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STATEMENT

OF

BR. MAJ. GEN. O. O. HOWARD

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR

IN DEFENSE AGAINST THE CHARGES PRESENTED BY

HON. FERNANDO WOOD,

AND

ARGUMENT OF EDGAR KETCHUM, ESQ.,

OF COUNSEL FOR GEN. HOWARD IN SUMMING UP THE CASE UPON
THE TESTIMONY BEFORE THE COMMITTEE.



NEW YORK:

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1870.

GENERAL HOWARD'S STATEMENT.

The Hon. Fernando Wood, introducing his charges against me, used these words:

"That General Howard had been guilty of malversation and dereliction of duty on the following points:

"*First*, That he has taken from the appropriations made for, and the receipts of, that bureau, more than five hundred thousand dollars, improperly and without authority of law, for the Howard University, hospital, and lands."

In reply, I do not deny the amount alleged to have been appropriated to the Howard University, including all the buildings constructed therewith, the hospital, with its several wards and out-buildings, and the lands, so far as the indirect aid in their purchase and the necessary grading and sewerage connected with the structures are concerned.

But I do deny that this amount, or any amount whatever, with my knowledge and consent, has been expended "*improperly and without authority of law.*"

A portion of this money has been expended in the structures themselves.

By reference to the appropriation act, approved March 2, 1867, it will be seen that Congress appropriated \$500,000 to the rental, repairs, and construction of buildings for the education of the people committed to my charge, and for asylums; this was for the fiscal year ending June 30, 1868. Subsequently, by act of Congress of July, 1868, all unexpended balances in the hands of the Commissioner not required for the legitimate purposes of the bureau are devoted to the work of education, according to the laws already existing. These laws, and the authorized regulations of the bureau under them, directed the educational aid from the regular appropriation to rental, repairs, and construction, the transportation of teachers, and supplies for the schools, also to the payment of superintendents, clerks, and agents, engaged in the school work. This method of expenditure was set forth in my request for the appropriation, and is evidently intended by the wording of the act of July, 1868 (section 2).

The freedmen's hospital in this District, including the main structure, all the wards and necessary outbuildings, was demanded in the reduction of the number of hospitals in different parts of the country. It was necessary to make provision somewhere for the aged, the infirm, the deranged, and the imbecile that were already on our hands, for whom it was impossible to make provision in the different States. Very many came from Virginia, Freedmen's Village, for example, where there were none to take care of them. The former system of providing for these indigent people in families became im-

practicable, especially where large numbers of the inhabitants had lost their property by the war. Families to which some of the freed people belonged had become scattered or extinct, and where this was not the case I had no power of compulsion. I could not send a decrepit or imbecile freedman to a family that refused to receive him.

Upon breaking up the hospital at Louisville, Kentucky, neither the State nor the city could be induced to take charge of the poor inmates, and I was obliged to bring many of them here. In my judgment the hospital, or, more accurately, the asylum for aged and infirm freedmen, became an absolute necessity. Possibly the "improperly and without authority of law" may have been asserted in the charge because the government did not itself hold the land upon which these buildings were erected. There was no other method of holding land than by trustees. The act of Congress, approved March 2, 1867, which provides that the Commissioner may transfer sums of money from the "Freedmen's and Refugees' fund" to institutions incorporated shows a recognition of the organizations which may properly execute the trusts conferred by the several laws bearing upon the subject of education. There was no direct method of holding land by the government, either for educational buildings or asylums, provided for in the law itself; therefore I chose two methods that I deemed safe and right: one to use corporate bodies that from their charters could properly receive and execute the trusts imposed, and the other by an order, or orders, to impose special trusts upon selected trustees to carry out the object of an appropriation, or to aid me in the exercise of existing discretionary power. The latter method has been employed in very few cases indeed, and only when some pressing necessity seemed to me to render this course unavoidable.

The trustees of Howard University had their powers conferred by Congress, and willingly undertook, not only the work of education pertaining to the classes especially committed to my charge, but offered me the advantage of a portion of their land for the asylum. Certainly the University in its medical department receives benefits from the asylum, and will do so as long as it shall continue. Yet I can conceive of no better advantages, none more economical, than are here afforded to me as Commissioner of the bureau for its purposes.

It is found by the testimony that a portion of the \$500,000 named was transferred to the University for its use. This came from the "Freedmen's and Refugees' fund" and was therefore in exact accordance with the act referred to above (act of March 2, 1867).

If it be claimed that the University charter does not call for the education of refugees and freedmen, or their children, the answer is, that its charter is not limited; that in the reception of all the funds derived from the government the University corporation formally accepted the conditions expressed in the order of transfer and in the contracts for building. The deeds of transfer of the buildings also expressly demand and secure the fulfillment of this important condition.

The uniform interpretation of the law with reference to "Refugees' and Freedmen's fund" has been, as it was doubtless originally intended, to comprehend any incorporated institutions that would obligate themselves faithfully to educate refugees and freedmen and their children.

The preliminary meetings of the trustees of the Howard University show beyond question that the original design was the education of freedmen and their descendants; and the classes in the several departments, from its beginning till now, show that that design has been carried into execution—the charter is not limited, but was intended to comprehend this object.

Do I not, then, rightly claim that the appropriation made for, and the receipts of the bureau which have been devoted to the Howard University, hospital, and lands, have been used properly and with express authority of law?

"Second, That portions of the land alleged to have been sold for the benefit of the Howard University fund were disposed of improperly to members of his own family and officers of his staff."

The second point is not true. No members of my family nor officers of my staff have owned any of the land. Some officers of the bureau have purchased land, as did other people, at the market price, and I have never in any way sought to influence or control the sales in their favor.

"Third, That bonds issued in aid of the First Congregational Church of the city of Washington were taken in payment for a portion of this land, which have not yet been redeemed or paid, nor have they been returned in his official accounts as such."

The third point is not true; certainly I have no knowledge of any such transaction. If it were true it would in no way apply to me, for I could not officially account to the government for the property of the University.

"Fourth, That the University building and hospital were built of patent brick furnished by the American Building-Block Company; in which General Howard, Charles Howard, General E. Whittlesey, and J. W. Alvord, all attached to the bureau, were interested as stockholders."

The fourth point, so far as my interest in the Washington Building-Block Company is concerned, is not true. I was in the company, but left it before commencing to build the structures of the University of the material in question.

The other gentlemen named remained in the company, as I firmly believe, with no intention of wrong-doing.

The operation in the manufacture gave employment to a large number of colored men that were then out of employment. The specimen material seemed excellent, and they believed they were doing a good work by this investment of their means with no very considerable prospect of profit at the low price at which they proposed to furnish the block. The business head and manager, as well as the employes at the yard, had no government position. As now appears, no dividend was ever declared, and these gentlemen have realized nothing thus far from their investment.

"Fifth, That the specifications for the construction of those buildings provided that the material used in their erection should be taken from the brick made by this company, thus preventing competition, and securing the use of that brick, and no other, for that purpose."

The fifth point is a mistake. By reference to the University,

hospital, and dormitory contracts it will be seen the specifications were confined to the class of material, viz.: "American building-block," not to the company, as specifications always do provide for specific material in any given building. The competition, it is true, was not great, because this company could make block for less than it could be made and transported from New York and Philadelphia, where were the nearest works of manufacture.

The company never put the block or its heavier material, *e. g.* the corner blocks, water-table, &c., at as high prices as at New York. I was much pleased with the building-block; the recommendations were abundant from our first scientific men and experts; the specimens were handsome, those that had age were very fine. Our trustees, without any exception, approved of the material and asked for its use by a unanimous resolution.

The University and dormitory stand so firmly that experts and experienced builders express complete confidence in their safety and durability. I have had no mercenary motive whatever in the use of this patent block.

"*Sixth*, That the brick so used was unfit and nearly worthless; parts of the building have fallen down in consequence, and other parts have since been repaired and rebuilt, at an expense of \$13,000."

The sixth point will certainly not apply to the University nor to the dormitory, and I doubt not a different report would have been made even of the hospital building had it not been subjected to so unfavorable conditions in building—to frost, thaw, and heavy rain.

It will be observed that the University, including all that was added to perfect the structures and the present hospital building, including the loss, compare most favorably in point of cost with any other large buildings in this city or elsewhere.

"*Seventh*, That by his consent and knowledge lumber belonging to the government was used by this company and appropriated to its own benefit, being resold to its employés."

The seventh point is far from being true. The University did lease an old building or buildings to the company (Coyle's old sand lease of one acre became the company's), and the University repaired these buildings; I never authorized the issuing of lumber to the Building-Block Company.

Once an officer said to me that some lumber had been improperly taken to the works, and I told him to demand payment of the company if this was true, as has been shown in the testimony of Major Brown.

"*Eighth*, That he pays rent to the Howard University from the funds of the bureau for the privilege of a headquarters."

The eighth point is true. I have rented most of one floor and part of another for the purposes of the bureau since the building became the property of the University, not before. When in town the buildings I was obliged to rent cost much more, and the pay went to private parties, while now the money goes to pay the teachers of the children of freedmen. In this way we have economy to the government and have secured good accommodations for the bureau work.

"*Ninth*, That he draws three salaries, viz.: one as a brigadier general in the United States army, another as Commissioner of the Freedmen's Bureau, and a third as head of the Howard University."

The ninth point is in no sense true. The salary of the president, which is fixed by the recorded resolution, I have never drawn. To draw the salaries of Commissioner and of my rank in the army at the same time would not be possible. I have never attempted it. I have drawn my army pay and allowances, which are less than I would have received commanding a department. The sum fixed by law for the Commissioner has been saved.

"*Tenth*, That he has paid from the funds of the bureau over \$40,000 for the construction of the First Congregational Church in this city, taking the church bonds in return, which he has either returned in his accounts as cash on hand or sent South for the purposes of the bureau."

The tenth point is surely not sustained by facts. The treasurer and agent of the University and the treasurer of the incorporated Normal School at Richmond, Va., did invest in the notes or bonds, secured by deed of trust upon the church property, but not by my orders or instructions. The security is good, and I have no doubt of the propriety of this investment. The institutions have suffered no loss by it, and it is intended by all parties concerned they shall not.

"*Eleventh*, He has advanced a large sum from the funds of the bureau to the Young Men's Christian Association of this city, taking their bonds in payment, which have been sent to Tennessee to help the Freedmen's schools in that State."

The eleventh point is not true at all. I have only given my private subscription to the Young Men's Christian Association, and never directly or indirectly any government funds whatever. I did sell, as has been shown in evidence, \$1,500 of the Young Men's Christian Association stock that I held, to a corporate body, the Fisk University, guaranteeing it at par, and have since fulfilled my guarantee.

"*Twelfth*, That he caused or knowingly allowed lands in this city, owned by an officer of the bureau, to be transferred to a freedmen's school in North Carolina, the officer taking the money appropriated for that school and the school the lands in this city; thus perpetrating a fraud both upon the government and the freedmen."

The twelfth point gives, as I view it, a false impression. Surely no officer of the bureau, other than myself, has ever, to my knowledge, transferred any lands to any freedmen's school. If there is blame in the actual transaction doubtless referred to in this point I alone must bear it. I received through J. M. McKim, Secretary of the Freedmen's Union Commission from England, some money to invest in land for freedmen, or in some agricultural operation connected with them. It was when the black men were not so popular as they are now, and lots could not be purchased by those in need except for cash. Through Dr. J. M. Thompson I learned that I could obtain a square or half square of land from Moses Kelly, Esq., by the payment of part cash and the rest in mortgage notes with deferred payments. I wrote to Mr. McKim and asked if I had not better invest the money (about \$1,000) in this land, and sell lots on time to the freedmen, and as the money came in reinvest it for a similar purpose. He expressed his cordial approbation of my plan.

The Virginia avenue, which passes, touching the land on the north, had an appropriation for completion. This appropriation was not enough for the work, and proper access to the land was delayed. I therefore resolved to sell it as a whole. I gave five cents per square foot. At the same price I offered two thirds of the square bordering on Virginia avenue to the Saint Augustine Normal Institute in North Carolina, for the investment of any fund that was not immediately needed. Land on the next street east was at the time held at thirty cents. The Virginia avenue was in process of completion, and the new railroad (Baltimore and Potomac) to pass near it. The transfer of the land was agreed to and made, and the money derived from it used to take up the notes. The original fund was again invested for the agricultural department of the University, in which students without means are working for support. If it be asked where the Saint Augustine Institute received its money for this investment, I answer it was from the dividend of that raised from the Barry farm. Since the property has belonged to the Saint Augustine Institute I have allowed it to be graded, especially and mainly to give work to destitute freedmen and also to enhance the value of the property. The grading gave work and bread to a large number of industrious colored people after the extreme hardship and destitution of the winter, during the spring and summer following. The most of them were purchasers of lots on Barry farm, of which I will speak under the next point.

"*Thirteenth*, That he was interested in the purchase of a farm of about three hundred acres, near the lunatic asylum in this county, for which the public funds and other property of the government were used. Buildings were erected thereon built of lumber belonging to the government and then let or sold to freedmen at exorbitant prices; and that he and his brother Charles Howard were personally interested in this transaction as a private pecuniary speculation."

The thirteenth point I regard a misstatement, containing a charge having no foundation in fact.

I will give a brief history of the "Barry farm" transactions. Let me first present the order which is already in evidence, viz.:

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
WASHINGTON, April 23, 1867.

SPECIAL ORDERS, {
No. 61. }

II. Brevet Brigadier General George W. Balloch, Chief Disbursing Officer of this Bureau, will transfer the sum of fifty-two thousand (\$52,000) dollars to a Board of Trustees, consisting of S. C. Pomeroy, J. R. Elvans, and O. O. Howard; this amount to be held in trust by them for the benefit of three normal collegiate institutions or universities, embracing the education of Refugees and Freedmen; said institutions being incorporated, or as soon as they shall be regularly incorporated; one located in the District of Columbia, one in the State of Virginia, and the third in the State of North Carolina. The said Trustees may invest the said fifty-two thousand (\$52,000) dollars

in land, with a view of relieving the immediate necessities of a class of poor colored people in the District of Columbia, by rental, by sale, or in such other way as their judgment shall direct for this purpose, provided all proceeds, interest, or moneys received for rental or sale over and above necessary expenses shall be annually transferred to the said three institutions, and in all cases to be divided equally between them.

By order of Major General O. O. HOWARD, *Commissioner*.
A. P. KETCHUM, *A. A. A. General*.

This order explains itself.

Now with regard to a few facts that constrained me to the course I pursued.

A gentleman living on Meridian Hill, prior to the issuing of the above order, had a long row of government sheds used for barracks or hospital purposes during the war, situated on lands valued at \$1,500 an acre. In these buildings refugee colored people had taken up their residence from all quarters. Some were cultivating small gardens, and some had no employment. They could not possibly pay him rental, and he was constrained by circumstances to sell his land. The colored people were very poor and destitute and he disliked to turn them off, so that he did what hundreds of others have done in perplexity—came to the Commissioner of the Freedmen's Bureau, and asked him what could be done. I said to this gentleman that there were thousands in the same condition, and I did not know what could be done. I was charged with "feeding people in idleness," and I must not make paupers of them. I got into the carriage with him, and we rode to the old buildings. I called out all the men I could find (some of them were quite intelligent) and talked with them; asked them what they wanted to enable them to become self-supporting. Several answered "land." They realized that they could not stay long where they were. I said, Now if I could manage to secure you a homestead, say an acre of land apiece near the city, might I rely upon it that you would work and repay the outlay? Some promised earnestly to do so, and recieved aid as I will explain—others hung their heads and said nothing. Now this is a description of quite a number of communities at that time in Washington and its vicinity. In meditating upon this condition of things, and this pressing necessity, I thought it would be well to take a portion of the "Freedmen's and Refugees' Fund," which had been accumulating mainly from the rental of abandoned property, and which I had already devoted in my discretion to educational purposes, and purchase a farm as near Washington as possible, divide it up into acre lots, give lumber enough for small and comfortable tenements, and sell to the poor freedmen on time, on a bond to be followed by a deed in fee as soon as the terms of the bond should be fulfilled.

I had great difficulty at that time in finding anybody who would sell, and had, finally, to purchase without being known in the matter or without having the object of the purchase revealed. After selecting trustees and taking legal advice, the purchase was made and the plan was carried into execution.

The following tabular statement will exhibit the condition of the fund when I turned it over to my successor:

1. Original purchase money.....	\$52,000 00
2. Expended for roads, streets, and surveys.....	7,517 95
3. Lumber for houses.....	16,407 60
Total.....	<u>\$75,925 55</u>
Amount returned to fund while I was Treasurer and appropriated as per account current.....	\$31,178 12
Amount on hand turned over to John A. Cole, my successor as Treasurer.....	10,081 41
Unsold lots valued at.....	12,426 76
Amount due on contracts April 17, 1869.....	28,783 71
Total.....	<u>\$82,470 00</u>
Balance in favor of fund.....	\$6,544 45

This balance is sufficient to cover the interest on the money used for the time invested. Now, as to the character and use of this fund: It can not be assumed that the "Barry farm" fund is public money of the United States if the original order of expenditure was in accordance with law—it became at once a fund held in trust for the three institutions designated by the trustees. Therefore an investment of the fund in accordance with the request of the official representatives of these institutions became proper after the transfer to them of any sum in the hands of the treasurer.

The Normal School at Raleigh, N. C., invested a portion of its dividend in the two thirds of square No. 1025, as explained under the last point. The Normal School at Richmond, Va., invested its first dividend in the mortgage notes or bonds of the First Congregational Church.

The latter investment was a good one; the former, the land is worth three or four times its cost, and the officers of the school now highly value their investment. I parted with this land at precisely the same figure that was given, viz.: five cents per square foot, except that a small alley was reckoned out in the purchase and reckoned in at the sale—not affording enough gain to cover interest on the notes, the surveys, and other expenditures.

Not regarding the fund as belonging to the United States, I did not act as a United States disbursing officer, but deposited it, as instructed by the trustees, in the Freedmen's Savings Bank, and invested it from time to time in United States bonds and such other securities as the trustees approved, in this way increasing the fund by the interest till the dividend should be made. I was not, as is charged, interested privately in the purchase of this farm; have not made a dollar of gain by it in the purchase and sale of lots; nor has my brother or myself been interested in the purchase of lumber as a private pecuniary speculation, and never, to my knowledge, was there a single instance of exorbitant charge for the lumber furnished to the freedmen. I never heard of a complaint of that to any officer or agent who came in contact with the settlers.

"*Fourteenth*, He has discharged the duties of the office of Commissioner of the bureau with extravagance, negligence, and in the interests of himself and family and intimate friends."

This is not true. Extravagance and negligence on my part can not be proved. I have labored hard, with fidelity and success—as the results accomplished will show—in securing the reward of labor to freedmen; establishing justice; providing for the poor without pauperizing them; caring for the helpless indigent, the sick and orphan children in asylums, leaving but one asylum as a legacy to the government; and more than all, in coöperating, according to the requirements of law, with benevolent and educational associations—upward of thirty in number—so as to more than equal the appropriations of the government in the establishment of schools of every description from the primary to the University.

These schools have been more than two thousand, with pupils at times numbering two hundred and fifty thousand.

A careful, dispassionate survey of my work and that of the officers and agents who have aided me, instead of intently gazing at the flaws which every human enterprise must present, will completely vindicate me from this charge.

The only member of my family who has ever had any connection with the bureau is General C. H. Howard, my brother, and he came into it not at my request, but was first detailed by the War Department, at General Saxton's request, in South Carolina. I consulted not *his* but what I believed to be the *public* interest in his retention. For according to my deliberate conviction his individual interest would have been better subserved by a discharge long before it took place; and as to intimate friends, permit me to say that they have become so by a faithful discharge of public duty. No corrupt interest of any of them has appeared or been favored by me.

“*Fifteenth*, That he is one of a ring known as the ‘Freedmen’s Bureau Ring,’ whose connections and influences with the freedmen’s savings banks, the freedmen’s schools of the South, the political machinery of a party in the Southern States; and whose position has been to devote the official authority and power of the bureau to personal and political profit.”

The fifteenth point is imperfect in its expression. The charge of “Freedmen’s Bureau Ring” is denied, unless it is to be understood that certain individuals who are and have long been earnest workers for the benefit of their fellow men are *intimate and united in good works*. The “ring” is placed in good connection with the freedmen’s savings banks and the freedmen’s schools of the South, but the political party is not specified. I hope those who work against the poor and lately enslaved are not intended; if so, I deny the connection. But as to devoting the official authority and power of the bureau to personal and political profit, I am in no way guilty. There are no facts to sustain such a charge.

ARGUMENT OF MR. KETCHUM.

MR. CHAIRMAN: It was said by Sir Francis Bacon, the king's solicitor, in a judicial charge upon the commission of the Oyer and Terminer, held for the verge of the Court, that "It is the happy estate and condition of the subject of this realm that he is not to be impeached in his life, lands, or goods, upon flying rumors, or wandering fables or reports, but by the oath and presentment of men of honest condition, in the face of justice."

We too, happily, stand in the face of justice; but all our efforts have failed to obtain an acknowledgment from any one who has appeared before you that he is the originator or procurer of these charges. True, indeed, the honorable gentleman from New York, my own Representative, has declared himself responsible, as he is responsible, for the action he has taken; but he has at the same time declared in the House, and in this room, that he had no personal knowledge of the matters brought hither, that he had no acquaintance even with the accused person, and that he had no feeling against him, but was rather predisposed in his favor upon his war record.

I proceed now, sir, to examine these charges in their order. I take, therefore, the

FIRST CHARGE.

"That he has taken from the appropriations made for, and the receipts of that bureau, more than five hundred thousand dollars, improperly and without authority of law, for the 'Howard University, hospital, and lands.'"

We say government funds have been used for these objects, as follows: *First*, from the appropriation by Congress for educational purposes (act of July 13, 1866, and act of March 2, 1867); *Second*, from the Refugees and Freedmen's fund (act of March 2, 1867). But one fund, namely, the appropriation fund, has been used for the erection of hospital buildings.

The lands used for the university and hospital buildings were not purchased by the government, but by the corporate body known as "Howard University." The Howard University derives its funds partly by transfer of money from the refugees and freedmen's funds and partly by gifts from societies and individuals. The lands have been paid for from funds so derived and from funds arising from the sale of lots.

First authority. The act to establish a Bureau for the relief of Freedmen and Refugees, approved March 3, 1865, enacts as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a Bureau of Refugees, Freedmen, and Abandoned Lands, to which shall be committed, as

hereinafter provided, the supervision and management of all abandoned lands and *the control of all subjects* relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The said bureau shall be under the management and control of a commissioner to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be three thousand dollars per annum."

In the act making appropriations for this bureau, approved March 2, 1867, for the year ending June 30, 1868, an appropriation was made for building of schools and asylums, including construction, rental, and repairs, five hundred thousand dollars.

The act continuing the Freedmen's Bureau, taking effect July 16, 1868, sec. 3, provides as follows:

"*And be it further enacted*, That unexpended balances in the hands of the Commissioner, not required otherwise for the due execution of the law, may be, in the *discretion* of the Commissioner, applied for the education of freedmen and refugees, subject to the provisions of law applicable thereto."

These acts allowing construction give ample authority for the expenditure of money in the erection of Howard University.

Now, as to the funds transferred from the refugees and freedmen's funds, the words are: "That the Commissioner be hereby authorized to apply any balance on hand, at this date, of the refugees and freedmen's fund, accounted for in his last annual report, to aid educational institutions actually incorporated for loyal refugees and freedmen."

The interpretation of this last clause has been uniformly considered to embrace incorporated educational institutions that had the intention, or had already assumed the trust of educating loyal refugees and freedmen. Any other interpretation would render the act ineffectual, for we know of no institutions whatever that have been incorporated *expressly* and solely for the education of refugees and freedmen. More enlarged powers are found in the act approved June 15, 1866, which has never been modified or repealed. These words occur in it:

"Sec. 2. *And be it further enacted*, That where accounts are rendered for expenditures for refugees or freedmen, under the approval and sanction of the proper officers, and which shall have been proper and necessary, but can not be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Commissioner of the Bureau of Refugees and Freedmen." Approved June 15, 1866.

The only requirement with respect to this fund in any given case is to show that the expenditures for refugees and freedmen were "proper and necessary," and approved by the Commissioner in the exercise of the discretion plainly given him.

In this discretion the expenditures for Howard University were embraced. With regard to the hospital, the appropriate name is asylum; for the majority of its inmates are not really sick, but aged, infirm, imbecile, or insane.

This asylum is the provision made by the Commissioner for con-

solidating the numerous hospitals and asylums throughout the Southern States.

The authority for the expenditure of money for asylums is found in the act above referred to and approved March 2, 1867.

This authority is clearly conferred by the act approved April 7, 1869, as follows:

“An act relating to Freedmen's Hospitals:

“*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Commissioner of the Bureau of Refugees and Freedmen is authorized and directed to continue the freedmen's hospitals at Richmond, Virginia; Vicksburg, Mississippi; and in the District of Columbia, including the asylum for aged and infirm freedmen and for orphan children: *Provided*, that the expense thereof shall be paid by the Commissioner out of moneys heretofore appropriated for the use of the bureau: *And provided further*, that said hospitals shall be discontinued as soon as may be practicable in the discretion of the President of the United States.” Approved April 7, 1869.

Here, sir, I may say at the outset, while looking at the law, that the gentlemen on the other side were under a mistake when they made the comparisons in regard to appropriations and expenditures, as was very apparent from the evidence of Dr. Brodhead, when he testified before the committee. They thought the Commissioner was restricted to the specific item in making expenditures under a given appropriation. That was an error.

The act of May 8, 1792, Statutes at Large, vol. i., sec. 9, p. 281, provides: “That the forms of keeping and rendering all public accounts whatsoever shall be prescribed by the Department of the Treasury.”

Now, under that act the Secretary of the Treasury did issue his warrants, and they have been produced before you in evidence, bringing all the work of the bureau under one specific head, and the accounts all stand under one head accordingly. Both Brigadier General George W. Balloch, Chief Disbursing Officer of the Bureau of Refugees, Freedmen, and Abandoned Lands, and the other officers of that bureau have uniformly rendered their public accounts under the forms prescribed by the Department of the Treasury.

And our opponents were mistaken again, for they alleged more differences than the figures show. They took the appropriations for the two years, comparing them with the expenditures for four years and upward, whereas it might be found upon examining the whole of the amounts of appropriations and expenditures that there is but a single instance in the years 1866 and 1867 in which the expenditures under a particular head were beyond the appropriations under that head, namely, that of clerks.

But under the head of clerks have been included agents, and so it may appear that \$198,600.73 were expended in excess of the particular appropriations, amounting to \$165,600. Further than this there is no excess, and this difference is in no wise material. A single head covers the whole work and characterizes the account of the bureau.

Yet even without the act of 1792 and the warrants of the Secre-

tary of the Treasury under it, the act of 1868, which provides that all unexpected balances are to be expended in *the discretion* of the Commissioner, would be sufficient for us on this point.

SECOND CHARGE.

"That portions of the land alleged to have been sold for the benefit of Howard University fund were disposed of improperly to members of his own family and officers of his staff."

No proof whatever has been brought to show that land of the Howard University was sold to any members of the family of General Howard. But it has been understood from the beginning that one lot was taken by General Howard himself. There have been no lots sold to officers of his staff, for General Balloch and Mr. Alvord are not accurately officers of his staff. It means, I suppose, officers of the bureau; and we are willing to accept it as meaning that and to answer it accordingly.

Now, sir, as to the lot taken by General Howard. You will remember that the Smith farm was without any improvements, and that it was outside the limits of the city. Doubtless the owner sold it gladly; and when these parties purchased it they had a great work to do. There were one hundred and fifty acres of land without even an inclosure. It was procured for a university. But that would not occupy one hundred and fifty acres, and nothing else should come upon the land that would injure the university or the neighborhood.

You have learned from evidence here that General Howard had his own dwelling in G street; that it was worth and was sold for \$10,000. That was located nearer his place of business and more conveniently for his mode of living. But there was something to be done, and the object was to establish the Howard University.

The question was, can it secure such improvements as will advance the character of the neighborhood? can it attract men hither of spirit and ability, friendly to the object, and ready to help it forward? I do not wonder that they offered General Howard an acre. He seems to have been prominent in procuring the land. General Whittlesey was with him; but I think it clear that General Howard was the principal actor.

Under these circumstances why should not these men who had charge of this matter, in order to induce General Howard to begin the improvement, offer him this acre of land? It was the most natural thing in the world.

They did offer the land. General Howard was engaged in his official duties here and in the South, and an answer does not seem to have been promptly made. The parties here were all friends; there were no suspicions lurking in any bosom; there was no apprehension that any person would put by anything to bring it into such a court of inquiry as this, or to tell what happened in the meetings, or whether General Howard was advised to accept or not to accept.

He resolved to build his house on the ground, and seems to have left the offer unanswered for a while, but in August, 1867, he formally declined it. Then a committee is appointed to fix a valuation upon the lot. It is on Seventh street, upon the high land, and over-

looks the city. They fixed the price at a thousand dollars, a trifle more than it cost, for they gave \$147,500 for the one hundred and fifty acres. They put in a condition that he should build a house on the lot to cost not less than \$10,000. Was not this a fair consideration? It has been emphasized that General Howard got a house-lot there for \$1,000 which might have been sold for \$2,000 or \$3,000. But it was more than a money consideration when they could bring General Howard with such a house there, and so begin their work and get it in a state of forwardness. I say, therefore, he gave the fullest consideration for the lot. The house, which was to be worth \$10,000, has been shown to be worth more than \$15,000.

As to the purchase of lots by the officers of the bureau: General Balloch gave \$4,300 for his lot, and he built a valuable house upon it; Mr. Alvord purchased a lot for \$3,100, and he, too, built a good house. Are they to be condemned for doing this?

THIRD CHARGE.

"That bonds issued in aid of the First Congregational Church of the city of Washington were taken in payment for a portion of this land, which have not yet been redeemed or paid, nor have they been returned in his official accounts as such."

That charge was certainly made without knowledge, by some person who heard the "flying rumors" or "wandering fables and reports," but who was not at all acquainted with the facts. There has been no attempt to prove it. "That bonds issued in aid of the First Congregational Church were taken in payment for a portion of this land." Does it mean that Howard University sold lots for these bonds? It did not do so. Of course what follows falls with this.

FOURTH CHARGE.

"That the University building and hospital were built of patent brick, furnished by the American Building-Block Company, in which General Howard, Charles Howard, General E. Whittlesey, and C. W. Alvord, all attached to the bureau, were interested as stockholders."

Little need be said of this. The committee remember perfectly well that General Howard, after beginning this enterprise with the others soon left them. The project was to procure the manufacture of this building-block in Washington. But when the trustees of Howard University chose to have it for the new building General Howard quitted the enterprise. He sold out his interest some two months before the first blocks were made for Howard University. That charge, therefore, is disproved, and by testimony which was produced on the other side. The note given for that interest was dated in August, but the arrangement for its transfer was made prior to the 9th of July, as fully proved.

FIFTH CHARGE.

"That the specifications for the construction of those buildings provided that the material used in their erection should be taken

from the brick made by this company, thus preventing competition and securing the use of that brick, and no other, for that purpose."

This is incorrect. There is no company named in the specification. The material is named in it. That is no specification which does not name the material of which the building is to be constructed. It is the very nature of a specification to do this. "Thus preventing competition, and securing the use of that brick, and no other, for that purpose." But there was a price fixed, and it was \$40; upon that every one would estimate. The specification named the material and the price, which was five dollars less per thousand than it was sold for anywhere else. The transaction was fair and open, and could not operate unjustly toward any one.

SIXTH CHARGE.

"That the brick so used was unfit and nearly worthless, parts of the building having fallen down in consequence, and other parts have since been repaired and rebuilt at an expense of \$13,000."

No part of the case has been more fully investigated. Artificial stone in itself is no novelty; cities are built of burnt clay; but this block is differently made. Some have approved of, who afterward condemned it; some have doubted, who afterward believed in it. We have in the testimony ground for a reasonable judgment. The report of the commission of General Hardee, J. W. Rumsey, and others, minutely describes the material and its manufacture, and the building of the hospital and its fall. Major King, who made the experiments for the commission, and Mr. Rumsey have also testified on this trial, and Mr. Vanderburgh, the patentee. The testimony shows that the stone so made is as truly stone as any produced by natural causes, and that it will become as hard as any. The elements of both are alike. This is shown by Mr. Vanderburgh, whose enthusiasm never obscured his clearness. But opinions differ; Mr. Clarke and Mr. Mullett testified against it, and the Rev. Dr. Sunderland. Mr. Clarke had thought well of it but changed his mind. The hospital fell. Few could volunteer a defense of the new material at such a time. And here I call the attention of the committee to the fact that when a part of the north wall of the dormitory fell, while under construction, the cause of it was a bad foundation, which had been laid without sufficient bonding, so that it opened and let down the superstructure. The proof on this point was complete, and showed there was no fault in the building block. I said few could volunteer a defense of the new material at that time; yet defense could be made.

Large buildings had been constructed of it in various parts of the country, and they stood firm; and so did the University itself—as Mr. Rumsey said, "strong and safe, and with as few cracks in its walls as any building of its size he ever saw." If panic must prevail the University must be abandoned and lost. It had cost \$150,000 and supplied a want never met here before, and *seemed* to be strong and safe. Was it to be sacrificed with all the hopes and interests depending on it?

The majority of the trustees (General Howard was absent at the

time from Washington) differed from the president, Dr. Sunderland, and he retired, leaving on record his opinion, which was unfavorable.

I do not blame Dr. Sunderland for retiring. He has left on record his opinion. And yet the building stands firm, and is of excellent use, and Mr. Vanderburgh said that when this Capitol should be crumbling in ruins that University would be adamant. The reason he gave was that those elements of the atmosphere which corrode marble harden the block.

The length of the hospital building ran north and south. In the middle was a hall-way formed by two cross walls running east and west. The block was made in cold weather and used sooner than it should have been. It was laid up in November and December and exposed to the weather, and the mortar became frozen before it could set, and frost produces expansion. At each end, therefore, of the cross walls they exerted a great pressure against the exterior walls, tending to throw them outward.

It was near twelve o'clock on a morning in December that the east wall fell out. The sun had thawed the mortar, and then, according to the testimony, the wall "sloughed off," opening a semicircular space like an inverted arch. The fall was not by the crushing of the material, but by the sliding out of the whole mass, and it was thrown out where it had been met by the cross walls and not at the ends of the building.

After one o'clock, when the afternoon sun was upon the west wall, that thawed and fell out also, and the appearance on that side was like the other. The cross walls and the end walls stood firm.

This description, which is drawn from the testimony of Mr. Vanderburgh and the report of the commission appointed to examine the case, may show the error of those who imputed this injury to the use of the building-block, as if that had been the only reason why the building fell.

The story went forth in the newspapers that this block was worthless, and alarm was felt concerning the University building on the part of its friends, and its enemies plied their arts to convince the public that it must be abandoned as unsafe.

Those men were courageous who bore up against this influence, and they deserve praise. They have their reward in the present condition and continued use of the buildings on the University grounds.

To show that the cause which produced the fall of the hospital would have operated in a similar way upon walls in the like condition, built of burnt brick or stone, I quote Peter Nicholson, the author of an English work, "The Mechanics' Companion," which is of high repute.

He says: "There is nothing so prejudicial to a building as alternate rain and frost, if exposed; for the rain makes way through the pores into the heart of the stone and mortar, and when the freezing comes on the water is converted into ice, which expands beyond the original bulk with such power that no known force of compression is capable of resisting its expansion. In consequence of this the heaviest stones and even the largest rocks have been burst."

And I beg leave to refer to the report of President Barnard of

Columbia College, in New York, who was a Commissioner to the French Exposition, giving a description of the Coigné artificial stone.

It was remarked upon the trial that this was a very different thing from our building-block, but I think it will appear on examination that the two substances are very much alike. It is sand and lime with moisture and pressure, but Coigné had also a little cement. The foundations of the building for the French Exposition were built of this material. And a good reason is given for it. It can be made in large pieces, so that a wall can be constructed with fewer joints, lessening the liability to settle and crack the walls of the superstructure. And this material can be made in beautiful forms without the expense of cutting. So iron buildings are constructed. The metal is run into the mold and it is soon ready. But the iron is more costly than the sand and lime. This material is much cheaper and may be as beautiful. Why should it be utterly condemned?

The time may come when this block will be in common use notwithstanding the obloquy cast upon these men for the faith they had in it.

Mr. Rumsey, a witness for the prosecution, said that if the University were built of pressed brick it would have cost \$25,000 more than it has. And another said that if the cornice surmounting that building were made of brown stone it would have cost as much as all the exterior walls of the present University. If the trustees of the University instead of constructing this building of a material so cheap had used what was more costly, could they have escaped censure? Then the complaint would have been that they had expended so much more money.

This sand was good and it was near. An important object was to give employment to the poor, that paupers might earn their living. It was not to give them money. It would be well to give them a fair remuneration for their work; they would be taught that "he who will not work neither shall he eat," provided he can get work to do.

A witness not friendly to the material said it was fascinating in its appearance, and was in good repute when these contracts were made. There are gentlemen in New York who built their houses of it. They ridicule the idea of any danger. The steeple at Morristania fell from the ignorance of those who erected it, the immediate support of blue-stone giving way.

The honorable Representative from New York (Mr. Wood) has said—and I refer to it again because he was absent when I alluded to it this morning—that he never had any acquaintance with the officer accused; that he had had no business with him; that he had no feeling against him, and that his prepossessions were rather in his favor on account of his war record. I was glad to hear that, and I thank him for it. I hope that he has no more hostile feeling now than he had at the beginning.

As to the loss of \$13,000 by the fall of the hospital. That is a mistake. We have found it is \$22,000, which shows how misinformed these accusers were.

It could not be otherwise than that common brick should be used

instead of the block in rebuilding the hospital. The common brick was as cheap, and care would be taken to prevent a renewal of the former calamity, and there would be a silencing of evil tongues; and so the common brick was used.

You remember that General Howard built his own house of this material of which the University and hospital were constructed. Surely a man under covenant to expend \$10,000 on his house, and who expended over \$15,000 for it, where his family were to live, would take care to have it safe. It has been said that it fell. But it never fell. In the rear of the house, before the leader from the roof had been provided, the water came down spreading and freezing upon the wall, the ice standing an inch thick on a surface of several feet in width. As soon as this came off the damage appeared on the face of the block. The effect was to scale the surface. General Boynton and Mr. Harvey said it fell. Mr. George Cook, who did the work, said it did not, but was repaired by removing the outside half of the blocks and substituting new pieces. Peter Nicholson in his book has told us that *any* material will suffer in that way if thus exposed. General Boynton spoke of other buildings falling there, but soon corrected himself, saying he did not mean they fell, but that portions were taken down. But George Cook told us how that happened; that the frost affected them in the same way; that the buildings were not finished, and, being injured in a similar manner, had to be mended. The house of General Howard has not been painted, and stands very firm in all its parts.

SEVENTH CHARGE.

"That by his consent and with his knowledge lumber belonging to the government was used by this company, and appropriated to its own benefit, being resold to its employés."

As to the last part, there is no word of proof upon it. Here again is shown what "wandering fables and reports" the authors of these charges sent abroad.

The contrast between the rest of the charge and the proof becomes absurd, but must be shown. All that was proved was that two colored men with two carts took government lumber, part of the *débris* of an old shed, and carried it to this hill. The witness failed to state who gave the order. He inquired of the men and they said General Charles Howard authorized them to take the lumber. But this is mere hearsay and no proof. The quantity of this lumber so taken was five hundred feet, and it was worth one and a half cents a foot, or \$7.50 for the two loads.

Mr. Alvord shows an order from the assistant commissioner signed by Major Clark for lumber, and says the lumber was for sheds for the University but that it was never delivered, enough having been obtained for the purpose from the material of other sheds taken down.

EIGHTH CHARGE.

"That he pays rent to Howard University from the funds of the bureau for the privilege of a headquarters."

And so he does. Why not? Boys sometimes call a companion an

Indian giver: he gives and then snatches away. That is not fair even among boys. But if this Howard University is legally transferred to its corporation why should it not have rent? This thing was not done in a corner, it is set upon a hill as a city that can not be hid.

The Treasury Department has the report of it, and Dr. Brodhead, the second comptroller, who came here as a witness, and who knows the law perfectly, has either passed the accounts or will pass upon them as the law requires.

Here is a charge that "he pays rent to the Howard University from the funds of the bureau for the privilege of headquarters." Yes, he paid \$5,000 to strangers, and here he pays \$3,000 to friends—I mean strangers or friends in respect to the great work to be done for the freedmen. But he pays \$3,000 for the rent of better accommodations than the bureau had before, and the money goes to the support of the other part of the house, which is a great object.

The expenditure is within the purview of the law, within the object and intent of Congress, and above all within the object and intent of the nation, and why offer reproach for this? I think it to be praised. I think this thing, and all these things—for several others like it appear in this history—go on like a river with successive falls, at each of which the power is used beneficently, the same waters, fresh and vigorous, turning mill after mill in all their progress to the sea. But it is noticeable that while the former rent was \$5,000 this is only \$3,000. Yet here is an officer who "belongs to a ring and goes for his friends." How is it he did not choose to pay \$5,000 to the University? The accommodations were better and he had a discretion. The reason is he was a true economist. He was not to squander merely because he had money under his charge, as enemies pretend he did. He was not watching for a hole in the bag out of which the money could be taken. No, he acted as in view of the whole world, and with a good conscience.

Right here it is natural to recall the picture of Mr. Rumsey, who was a witness, who was a brother member with General Howard of the Congregational Church, who built the church edifice and who built the University—to recall the picture of Mr. Rumsey, disappointed at having been underbid by Mr. Cook upon the job of the extras for the University, exhibiting in the bureau office his dissatisfaction at the furnishing to the Sunday-school children of the premiums for bringing into the school new scholars without examination into the color of the eyes and skin, and at the non-recognition by the Commissioner of the bureau (a brother member of the same church) of Mr. Rumsey's right to have the job without competition, and at his own price. General Howard was administering the law for the public interests and not in the interest of friends. He might have been compliant and Mr. Rumsey might have remained friendly. But he was faithful to his duty and Mr. Rumsey went his way.

I was much impressed with the proof brought to show that the Commissioner warmed the rooms of the bureau by a heating apparatus which allowed the warm air to escape into the upper rooms occupied for the University. The expense was \$40 a month. It was a small thing to bring into this case in connection with the dealings of this officer with the interests of four millions of people with a fund

of \$13,000,000. But such charges characterize this proceeding generally. I am not speaking of the gentleman who brought the resolution before the House; I offer no reproach to him for bringing in the charges. I hold them responsible for this who are at the bottom of it; because there is a spirit here that marks the whole case, and must be exhibited to the committee and to the country for the understanding of it.

Here is a small committee-room. The House is larger in its numbers and in its area. But the people fill the country. Was it the plan that these charges should go out and things be so fixed that without hearing both sides—and without an opportunity of hearing both sides—there should be suspicion and malediction all over the country on account of this bureau? They knew some hated it; they knew it was very popular among the masses of the people; and now is it to be so misrepresented and belied for the purpose of blackening the name of the man put in charge of it, of blackening the character of those who have sustained him, defaming the Congresses that have sustained him with their enactments and their sympathy? Is that the object? If it *was* the object then ought such proofs as these to appear along with the charges, so the spirit that prompted them may be made manifest.

NINTH CHARGE.

“That he draws three salaries—namely, one as brigadier general of the United States army, another as Commissioner of the Freedmen’s Bureau, and a third as the head of Howard University.”

There is not a word of truth in this, and not a word of proof to excuse it. But there are plenty of people all over the country who have no more doubt that General Howard has done this than that the Capitol is here. They say “It is a shame.” “It is a good way of making money.” There may be men in office who do such things; but it has not been done here, and not a word of testimony has been offered to show it.

Sir, is there no responsibility for this on the part of those who have invented these charges? “Shall a man scatter firebrands, arrows, and death, and say, Am not I in sport?” Upon highest authority he is responsible and shall be condemned.

General Howard is the president of Howard University, and you know under what circumstances. Others preceded him and they departed. At last he was called at a salary of one dollar per annum (merely nominal, of course), and he is subjected to this reproach. It may appear in the course of this argument that the authors of these charges knew this one to be untrue. There *was* a resolution that \$5,000 should be paid to the president of the University when he should perform the full duty required by the office. But General Howard received notice, with the appointment, that his salary was one dollar per annum, and he answered it, “I accept.” Is he to be blamed? Ought not a man who will do so to be praised rather than condemned for it?

EVENING SESSION.

Mr. KETCHUM resumed his argument on behalf of General Howard. He said:

MR. CHAIRMAN: Thanking you and the committee for your indulgence, I will now proceed with what I have to say upon these charges. And first, I beg leave to add a few words respecting the lumber. I omitted to say this morning, what has been shown in the testimony, that a rumor did come to General Howard on that subject, through Major Brown, and that he immediately ordered the seizure of all the lumber on the University grounds, and it was seized accordingly. Therefore, so far as General Howard was concerned, his duty was performed.

I beg leave to add a few words on that first charge in reference to the order for the transfer of \$125,000 to the Howard University, which order was made on March 12, 1869. The act of June 16, 1866, has, in the second section, these words: "That where accounts are rendered for expenditures for refugees or freedmen, under the approval and sanction of the proper officers, and which shall have been proper and necessary, but can not be settled for the want of specific appropriations, the same may be paid out of the funds for the relief of refugees and freedmen, on the approval of the Commissioner of the Bureau of Refugees and Freedmen," giving authority to the Commissioner, and permitting his fiat to pass the account in the Treasury Department. That is the act of June, 1866. The order runs that Brevet Brigadier General George W. Balloch, Chief Disbursing Officer, will transfer the sum of \$125,000 to the Howard University institution, &c., under the act approved March 2, 1867, said sum to be paid out of the balance on hand March 2, 1867, of the Refugees' and Freedmen's fund. Now the amount that was on hand March 2, 1867, of that fund was not equal to \$125,000. That has appeared in the testimony. If this order had been correctly made it would have given the date, as to the funds on hand, not March 2, 1867, but March 12, 1869, the date of the order itself. The money was then on hand—\$145,000 and more. A part of the \$125,000 was on hand on the 2d of March, 1867, but not the whole of that amount. This order stood well enough in respect to so much as was on hand on the 2d of March, 1867—say \$97,000 or less; and it would amount to an inaccuracy as to the specification of date.

I turn now to the act of 1868, chapter 63: "*And be it further enacted*, That unexpended balances in the hands of the Commissioner, not required otherwise for due execution of the law, may be, in the discretion of the Commissioner, applied for the education of freedmen and refugees, subject to the provisions of law applicable thereto." This act of 1868, along with the preceding acts, fully empowered the Commissioner in the premises; and the error was in the date, and it is for the authorities to say how it shall be corrected if it ought to be corrected. I am not informed whether these accounts have been passed in the Treasury, but the gentlemen there understand their duty, and if there is an error they will see to its being corrected. It is only a clerical error.

MR. HOAR. Of what are you now speaking?

MR. KETCHUM. Of the transfer of \$125,000 to the Howard University by the order of March 12, 1869, which order directs that that money shall be transferred by General Balloch out of the balance on hand of the Refugees' and Freedmen's fund on the 2d of March, 1867, at which date there was not \$125,000 of that fund in his hands, although a larger sum was in his hands after that date and at the date of the order. That is the explanation to be given of it. I recollected to-day that it was a matter of particular inquiry by Mr. Wood and Mr. Bradley.

MR. TYNER. And your view is that that order of March, 1869, is based on the act of June 15, 1866?

MR. KETCHUM. And also on the acts of 1867 and 1868—all three of them come in to give authority.

I reach now the

TENTH SPECIFICATION.

"That he has paid from the funds of the bureau over \$40,000 for the construction of the First Congregational Church, taking the church bonds in return, which he has either returned in his accounts as cash on hand or sent South for the purposes of the bureau."

Here again is shown a total misconception of facts. It is wholly untrue, and seems to have grown out of the impressions those witnesses had who came here and told the committee they heard General Howard say in meetings of the trustees that he had, or would have, money of the bureau, which he could lend for the benefit of the church; and that if they would make bonds he would lend money on them. This specification has been drawn in accordance with that story, but it is an entire mistake, and they were entirely mistaken in their impressions.

"He has paid from the funds of the bureau over \$40,000 for the construction of the First Congregational Church." He never paid a dollar, and had not a dollar of the bonds of the church, and was not therefore to return a dollar as cash on hand, and was not to send the bonds anywhere for purposes of the bureau. But it will be recollected perfectly well that a fund had been transferred, and had been for a certain time in the hands of General Balloch, the treasurer of the University, for the University; that it was a charity fund which was to be invested, and of course to bring interest; and the question was where it should be placed. The trustees of the University resolved that they would loan it on some of those bonds, and they did so—it was *not* the *Refugees' and Freedmen's fund* after that transfer and acceptance, and could not be. The Retained Bounty fund of which these men spoke was not a fund which could be transferred for educational purposes. That had another object, and another use altogether. As a matter of fact, therefore, that fund never was given to the University, and it never did in any way reach the hands of these church people. It has been amply brought before the committee by the testimony, although it has been suppressed from those partial reports in the newspapers that have been spoken of to-day, that the property of the church was worth more than \$100,000, and that the church mortgage was only \$40,000, or,

to speak more exactly, \$38,000. Senator Pomeroy has spoken of the value of those bonds, and of his willingness to take them if the Howard University did not want to keep them; and Mr. Rumsey himself, who was not friendly to the accused, said these bonds were a most ample security.

Now it is true that the trust deed did not contain the provision that careful conveyancers insert in such papers, for an insurance, making it for the benefit of the holder. The treasurer thought that it did, but when examined more carefully it was found that the clause was not in the trust deed itself. But the insurance is made, and is made for the benefit of the holders of the trust deed, and of the persons interested beneficially under these bonds. But the land itself is ample security without the house; it is ample security for \$38,000. In the State of New York, in loaning the United States Deposit fund, no note is taken of buildings, but the land on which the loan is made must be worth a certain proportion of value beyond the loan. I refer to that provision as having been drawn by wise men with great care, and having existed nearly forty years with safety to the fund; and I say that this trust deed is ample security for the money advanced, and that the Howard University can go into the market and get the cash for these bonds if it wishes to do so. If it were otherwise, if it were as the old Chancery bill of foreclosure used to say: "a slender security for the same," and if the fund was put to risk by means of that, it would be a different thing. But even then this charge, as made in this paper, would fall, and we have a right to say that we stand here on the charges made. We are not here to solicit changes in these specifications. They stand or fall as they are. And what is said of the loan by the University upon these church bonds is to be said also of the loan by the Normal School at Richmond, Va., on some others of them. Nothing could show clearer than the testimony of Mr. Manley of that institution how free it was to loan or not upon that security, and how freely and cheerfully it loaned upon what it took. But it was the trustees of the University and the trustees of the Richmond school that invested the money, and it was the corporation of the church that borrowed it. The Freedmen's Bureau and its Commissioner neither borrowed nor lent.

ELEVENTH SPECIFICATION.

"He has advanced a large sum from the funds of the bureau to the Young Men's Christian Association of this city, taking their bonds in payment, which have been sent to Tennessee to help the freedmen's schools in that State."

I suppose that in a court of law this would have fallen as soon as the testimony upon it was heard. It is entirely untrue.

"He has advanced a large sum from the funds of the bureau to the Young Men's Christian Association;" all the rest depends upon that, and that is not true. General Howard has not advanced any sum from the funds of the bureau to the Young Men's Christian Association. He did individually hold \$1,500 of bonds or stock of this Young Men's Christian Association, and a school in Tennessee did

choose to invest that money in these bonds, being guaranteed for a year that they should be at par, and then within a year General Howard individually took up the bonds at par and interest.

That is the whole of it. It is personal and not official. It was not the money of the bureau. This specification, therefore, is entirely without foundation. It is another evidence of the recklessness of those who accused this public officer before the country.

TWELFTH SPECIFICATION.

"That he caused or knowingly allowed lands in this city owned by an officer of the bureau to be transferred to a freedmen's school in North Carolina; the officer taking the money appropriated for that school and the school the lands in this city, thus perpetrating a fraud both on the government and on the freedmen."

If this were so it was hazardous to leave such a public officer in charge of the money which remained in the bureau during the weeks of this investigation. It would be strange if such a thing could be said with any truth and that officer be left in full exercise of the large powers conferred on him by law. But it was too reckless and wrongful an accusation to inspire fear.

I will refer to the testimony. The committee recollect that Mr. McKim, secretary of the Freedmen's Union Commission, informed General Howard that he had two hundred pounds sterling, which friends in England thought could be well employed in getting homesteads for the freedmen. Months passed before an answer was sent to Mr. McKim, when General Howard wrote, saying, "I think I have found a place where this can be done. There is a square (describing square 1025) which can be obtained and so employed; what do you think?" Mr. McKim replies, "I think well of it, and I send you the money." General Howard invested that money and gave his own obligation for the difference, and that was some \$8,400. So it remained for a time; but there are difficulties in the way of placing the freedmen on that property. The people do not like them in the city. There are hindrances which we all understand and which operated to such a degree that the original idea in connection with this land was changed. The piece of land I refer to is square 1025 east of the Navy Yard, on the eastern branch of the river, near the shore, and on Twelfth street East and Virginia avenue. It was found that would not do. They could not well and wisely place the colored people there. In the mean time they find that they can get a far better piece of ground, more extensive, and which will accomplish far better the end they have in view.

That is the Barry farm, which is three hundred and seventy-five acres in extent. The Barry farm charge comes in just after that upon this square 1025. They are linked together very closely.

MR. HOAR. I should like you to state with as much particularity as if we never heard it before, all about this land, the sources from which the money came, the original transactions, and what became of the property.

MR. KETCHUM. If you permit me, then, Mr. Chairman, I will just bring together for that purpose the Barry farm and this square 1025.

While holding square 1025 the Barry farm comes in view. It was learned from the land agent that Barry farm, across the river, near what is called Union Town, and running up to the asylum grounds, might be purchased for \$52,000. Senator Pomeroy, who came here and testified before you the other evening, was very anxious that that enterprise should be undertaken. He urged it very strongly, and believed that if a settlement could be made on that ground these colored people would have comfortable homes for small prices, and that they would be able to pay for them. The problem was how to do it. Nobody would sell land to colored people. This plan was devised: That there should be trustees, and that a fund should be transferred to these trustees, destined ultimately for three educational institutions of the higher order, in equal parts. Therefore first the \$52,000 must be taken by the trustees and invested in land, and then the land must be sold and the proceeds given to those institutions. Senator Pomeroy, Mr. Elvans, and General Howard were made the trustees under that order, and received that fund; but owners of land would not sell to colored people, and if those names appeared the person who was to sell would reject the contract. So the land agent advised that Mr. Elvans should go and get the land. Senator Pomeroy went with Mr. Elvans, took the money, and got the land, and Mr. Elvans immediately conveyed it to the trustees. Now the school at Raleigh was to receive one portion of that fund; but it had no need to use this money at that time, and as Rev. J. Brinton Smith testified here very heartily, the school chose to take the square 1025 and invest so much of the money as was then coming to it in that square. There was nothing personal in that except the obligation of General Howard for the deferred payments of square 1025. It was not that he was engaged in a money-making operation. It was that he was engaged in an enterprise to further the great object which he had in view, that these poor colored people should not have to dwell in Murder Bay and such places in this city, paying all they could get for wages in high rents for wretched domiciles, filthy and miserable. That was the story of this square 1025. It was purchased at five cents a foot and was conveyed at five cents a foot, so much of it as was conveyed. A part which was nearest the shore was taken by the Block Company. Five acres of square 1025 were taken by the school, and Mr. Smith says they would not sell it for \$13,000, which is much more than they paid for it. Dr. Thompson testified that the square was worth \$35,000, that it was worth about eighteen cents a foot, and it cost only five cents a foot. In the next street land had sold at thirty cents a foot, but that was more improved.

Here I may call the remembrance of the committee to the fact that this land was rough, that one part of it was higher than grade, and another part of it lower than grade. There was a ravine, as Mr. Bradley called it. The school at Raleigh held that property in fee. There came a time in a season of cold and want when these Barry farm occupants and owners were without employment (and so without money) and without food and clothing. It is well known that from the beginning the government had been engaged in distributing charity among these people, and that they have been sus-

tained with rations and supported in various ways. Large sums of money were so expended. What should be done with them now? Something must be done; they could not get work in the city at that time; they were destitute and ready to starve. This plan was devised. There should be work done in grading that piece of ground belonging to the school at Raleigh, and instead of giving money to these people to feed them during the season of want they should be given work and paid wages. A contract was therefore made with a fit person to do that grading, to take off the hill and throw it into the ravine, and then to pay these men for their work instead of bestowing upon them charity. From early in March until September, 1869, they worked on that ground under contract with Mr. Vanderburgh, who came here and told the committee all about it, and showed that some \$30,000 out of \$32,000 in all had been paid for the labor of these colored men, and for horses and carts, the difference being all that he received on his contract, which was only a fair and reasonable remuneration.

Therefore this charge is refuted, but it has been sent over the country as it stands, and the guilt belongs to those who sent it.

THIRTEENTH SPECIFICATION.

"That he was interested in the purchase of a farm of about three hundred acres, near the lunatic asylum in this county, for which the public funds and other property of the government were used, buildings were erected thereon, built with lumber belonging to the government, and then let and sold to freedmen at exorbitant prices; and that he and his brother Charles were personally interested in that transaction as a private pecuniary speculation."

That is already seen to be untrue. It is severe, like the rest, and imputes fraud in very plain terms; but it is not true. He was not individually interested in the purchase of the farm, nor was his brother interested in it in any way. "For which the public funds and other property of the government were used." Well, public funds devoted to the use of the freedmen had been transferred to the trustees and in their hands were used in the first instance to pay for this land.

"Buildings were erected there, built of lumber belonging to the government." Yes, \$76 per house was used in building dwellings on the acre lots.

"And then let or sold to the freedmen at exorbitant prices." They were not let, they were sold and contracts were given for deeds upon full payment of the purchase money, and the purchasers were to pay installments on these acre lots; they paid \$10 a month, which was not more than they would have been paying anywhere else for rent without acquiring any interest in the land, rent would have been a loss of so much money, but here the \$10 was a payment toward the fee simple of the property and went toward the extinguishment of the debt.

Now as to the exorbitancy of the price. That charge is easily disposed of. The price of one of these acre lots with the house was from \$125 to \$300; the average was \$225. That is very cheap for

an acre of land and a dwelling near this city. An acre is equal to sixteen lots of twenty-five feet by a hundred. And here they had the acre and also the house for \$225, at an average. Was that exorbitant? It was far otherwise.

"He and his brother Charles were personally interested in that transaction as a private pecuniary speculation." Mr. Chairman, if this were spoken against a man of bad character it might not trouble him much; and if it were uttered against a man of very good character who could immediately expose it, it might not trouble him much; but for such a charge to be sent over the country for weeks and read by men who never hear of its refutation, or of the condemnation of the accuser, this is aggravating. It stands here and is presented before this committee and before Congress against General Howard. It is a great wrong but it is now exposed.

MR. HOAR. Was it or not in evidence that these lots with the houses were sold to persons who bought them at the average cost of the lot and lumber without profit?

MR. KETCHUM. It was. They were sold without profit. So there was every disposition to benefit the freedmen and not the slightest disposition to deal hardly with them. And look at the consequences. I may here recall for a moment the case of square 1025. Fifty cents per day of their wages was left undrawn by these workmen of their own accord—not by stipulation, but of their own accord, which shows their character and disposition. Under the advice of a very worthy man, Mr. Vanderburgh, the contractor, this fifty cents a day of their wages was left behind and paid on their debt for their land; so they not only got their living for these seven months, but were able to pay the balances on their homesteads, and to come out free.

But the expenditure of the \$32,000 on that square has been telegraphed over the country as a dishonest act on the part of General Howard, by which his own land was improved to that extent by the use of the public money. That would have been robbery indeed, but it has appeared in proof that the statement is wholly untrue.

Perhaps some of the gentlemen of the committee may have seen Barry farm. I have. A man will be found there who will tell you that he has been in every great city in the world; that he was a steward on steamships; and he will tell you that his place as he has improved it has cost him \$3,000. You will see his house, well painted, on the west side of the road toward the lunatic asylum. It has rooms on both sides of the hall. It is nicely carpeted, fitly furnished, humbly and plainly. Pictures of Mr. Lincoln, Mr. Stanton, and General Grant, hang on the walls of his parlor. That man's son walks seven miles each day to the Howard University and back, getting his education there. That is the condition of one man. You may see another, some thirty-six years of age, very black, very strong, very happy, working on his place. He will welcome you. His little house cost him some ninety dollars. You will see his mother. That aged "aunty," as she raises herself up to look at you, will tell you that she has had eleven children, and that all of them were sold away from her. She lived down in Louisiana. The man will tell you that he was one of those children. He went down

to Texas, and when he came up through Louisiana and Alabama he found his old mother and brought her up here with him, along with his wife and son. And there they live. "Have you paid for your place?" you may ask him, and he will say, "Don't owe fifteen cents on it, sir."

You go into the school, and you see a boy of ten years old who will answer any question in geography when the others fail, though they may be older; he is a bright boy, though of dark complexion.

These people are happy there, having homes and having comforts. And this is the enterprise in which these gentlemen are engaged, under the authority and means provided by Congress. Surely, Mr. Chairman, these were not things to abuse anybody for who had a part in bringing them about. This is the Barry farm.

FOURTEENTH SPECIFICATION.

This, indeed, does not *specify* anything—which is my embarrassment. It says that "he has discharged the duties of the office of Commissioner of the bureau with extravagance and negligence, and in the interests of himself, family, and intimate friends." It must be considered in the light of what has been said, and of what may be said hereafter.

Then the

FIFTEENTH SPECIFICATION,

"That he is one of a ring known as the Freedmen's Bureau ring, whose connections and influences with the freedmen's savings banks, the freedmen's schools of the South, and the political machinery of a party in the Southern States; and whose position has been to devote the official authority and power of the bureau to personal and political profit."

As to the fourteenth specification, of negligence and extravagance, I can only say there has certainly not been any personal negligence in the administration of office, because it has been shown to the committee that more than the office hours were devoted by General Howard to the business, and that his time and attention were given assiduously to this work, and the world knows that it has been very extensively and beneficently performed.

As to the many things announced to be under this head which fitted before this committee and passed away, some of them quite undefined and none of them proved, I can hardly know how to refer to them without a waste of time.

Take for instance the Mr. Alden who came here from Florida, and who had a claim against the bureau on account of some property of confederates which he had leased, and which had been restored to the former owners under President Johnson's order. He told of sales of rations which men who were bureau agents told him they had made. It did not seem very credible on the face of it. He did not come before the committee in a very good aspect. There were circumstances attending his case which were suspicious, for there was reason to believe he came to testify because he had not yet succeeded upon his claim before the bureau. And it turned out after he left that Gen. Ely, whom he named as the bureau officer whose clerk made

confessions to him, was *no* bureau officer, he having been mustered out of service some time before. He never was a bureau officer in Florida at all, but was in South Carolina, and was discharged long before. There was a vagueness about all this witness said which deprived it of the character of legal testimony.

So far as the matter of the house in Florida and the stealing of it by a Mr. Sutton was concerned, it was of small value, but was believed to have been taken away illegally, and immediately the Commissioner gave orders for the prosecution of Sutton, and professional aid was employed for that purpose. Here there was no fault.

Possibly the sale of the hospital lot for \$6,000 to Howard University, after it had been purchased for \$12,000, may be brought under this head.

The explanation of that is that the Retained Bounty fund was in the hands of General Balloch as its trustee, that its earnings of interest were \$6,000, and that the principal only had to be accounted for. Under the order of the President it was brought into the bureau, and under the order of the Commissioner of the bureau it was placed in the hands of General Balloch, and he must be ready to answer to any bounty claims at any time they should be authenticated. But they were to be answered to the extent of the capital only, without interest.

The land which had been bought for \$12,000 was sold to the University for \$6,000, and the Retained Bounty fund remained intact, and the gain enured to the benefit of the Howard University.

It was designed by General Butler originally that that fund should be for the benefit of the poor freedmen, and it can now be seen how they are deriving benefit from this operation.

MR. HOAR. I do not think that I am quite possessed of your explanation; be good enough to state again.

GEN. HOWARD. General Butler had command in North Carolina and Virginia. He retained by an order of his a portion of each colored man's State bounty, for the benefit of the women and children. It remained in the hands of General Butler's disbursing officers in North Carolina and Virginia. Operating under the President's order when I took charge of the Freedmen's Bureau after its organization, that money came into my hands, and I made General Balloch trustee thereof, and he invested a portion of it for a school up here prior to any law. I reported it to Congress and asked for a law, and a law was passed, and I was subsequently authorized to invest that sum in government securities.

This order of General Butler's was in 1864. I took charge of the bureau in 1865, and the investment was made January 3, 1867.

MR. KETCHUM. The investment in this land was prior to the act of Congress approved 2d of March, 1867, the enactment of which General Howard procured, giving a legal character to the fund, and authorizing its investment in government bonds.

This land was sold to the Howard University for \$6,000, and the money was, with the rest of the Retained Bounty fund, invested by General Balloch in government bonds under the act of Congress.

MR. HOAR. From whom was this land purchased?

MR. KETCHUM. From strangers.

MR. HOAR. At what price?

MR. KETCHUM. At \$12,000, including the building.

MR. HOAR. And it was paid for out of this Retained Bounty fund?

MR. KETCHUM. Yes; and after it was paid for it was rented at \$1,200 a year for two or three years.

MR. HOAR. Having purchased it from the Retained Bounty fund at a cost of \$12,000 you sold it to the Howard University for \$6,000; was that because the price of \$12,000 was too large, or was it because the other \$6,000 was not needed as a gift?

MR. KETCHUM. The \$6,000 had become a gain by rent, or interest, or both. There was no injunction or obligation to increase the fund; there was only an obligation to hold it safely. This gain accrued to the Howard University, and the Retained Bounty fund remained intact. The Howard University, for the hospital and the asylum, obtained this house and land for \$6,000, instead of \$12,000.

MR. HOAR. In other words, you gave to the University, by reason of making that sale at \$6,000 less than the cost, the \$6,000 which had been a gain, and you kept your original fund intact?

MR. KETCHUM. Yes, sir; that was the operation.

General HOWARD remarked that the four years' occupancy of the house had injured it very much and reduced its value.

MR. HAMILTON inquired where this fund was invested.

MR. KETCHUM. It was invested in a piece of land where the hospital now is, prior to act approved March 2, 1867; but it is now invested in United States bonds, which I believe the Commissioner of the bureau caused to be purchased.

There is another item to which I may refer. Just south of the Capitol you may see prominent a row of frame houses, buff color, with gables facing toward it. They are on square 640, and there are ten houses that cost \$1,300 each. The land belonged to the University; the buildings were erected as tenements for the poor, and were rented to them. They are in good order, better than tenements ordinarily found for poor colored people in this city, or in any other city, I suppose. The people who dwelt in them are comfortable and pay their rent. Under the order of the Secretary of War and Judge Holt's opinion they were transferred to the Howard University by the Commissioner of the bureau, and they now belong to the Howard University, and it receives the rents, which form part of its revenue.

Squares 1054 and 1055 have been referred to in the testimony as Lincoln Green. They lie east of the Capitol, and almost as far from it as the Treasury Department is west. These two squares of land were conveyed to the same trustees that hold the Barry farm, Senator Pomeroy, Mr. Elvans, and General Howard. There are seventy-six tenement houses on them. They are the houses that were built where the sand was brought of which testimony was given here. They cost about as much apiece as the other houses on square 640. When General Grant was Secretary of War he recommended this work to be done for the aid of the freedmen.

The money derived from this property is devoted to educational purposes for the freedmen. There is no evidence before the committee that the houses were extravagantly built, or that they were un-

necessary, or that they were unused. No rent has been lost, nor anything done in regard to them which would show extravagance, negligence, or want of care.

THE CHAIRMAN. Do I understand that these belong at present to the Howard University?

MR. KETCHUM. No, sir; they are held in fee by the trustees, Senator Pomeroy, General Howard, and J. R. Elvans, the same trustees who hold the Barry farm. They are held for educational purposes generally, the funds to be devoted, under the laws concerning the Freedmen's Bureau, to those objects.

GEN. HOWARD. They are not limited to those three institutions mentioned before.

MR. HOAR. Under what authority of law do you say that this fund was so disposed of?

MR. KETCHUM. I understand it to be under that discretionary power which is given to the Commissioner for the use of those moneys, that is, for the benefit of the freedmen, and for their education, &c. That I understand to be the authority which is broadly given by those sections to which I have already referred.

GEN. HOWARD. That and the absolute necessity there was to provide tenements for the poor.

MR. KETCHUM. And here, Mr. Chairman, it may be well to express a thought which has often occurred to me, and which may have occurred to members of this committee. Here is a bureau of the War Department. It is really a civil service and not military. There is a bureau in the Treasury called the Bureau of Internal Revenue. The act concerning internal revenue is very long, with many sections. This Freedmen's Bureau has been treated very differently by Congress. The sections referring to it are few, and the discretion and authority given are large. Now if Congress believed that this officer was a bad man it certainly would not have left him with so large discretion. It would have bound him with many directions and limitations. I refer to this because the question brings it up, showing the discretion which the Commissioner had, and showing how he has been exercising it to the best of his ability, and with the best counsel he could get in Washington, from gentlemen in the Senate, and in the Departments, and even from gentlemen on the bench. It was testified by Senator Pomeroy that the Barry farm enterprise was not undertaken without prior communication with the excellent Dr. Brodhead, of the Treasury Department, the Second Comptroller, and even with the Chief Justice himself.

THE CHAIRMAN. What was the cost of that property on square 1054?

MR. KETCHUM. The cost of the houses was about the same as that of the houses on square 640—\$1,300 each.

GEN. HOWARD. The cost of the two squares, 1054 and 1055, was \$25,000. The houses averaged about \$1,300. That was Major Brown's testimony.

MR. KETCHUM. These poor people were scattered all over the city, in various barracks and other places, where the land belonged to private owners, who demanded a restoration of their property and who were to have it. It was therefore necessary to remove all of them, and they would have been homeless if provision had not been made

for them, and under the advice referred to, of the Secretary of War and now President, General Grant, this enterprise was undertaken that they might have homes. That was the necessity of the case, and the houses have been so occupied since.

"In the interest of himself and family and intimate friends," the charge goes on to say.

He has no family but his wife and little children, and "his intimate friends" is too broad and vague a term for me to notice more particularly.

In the fifteenth specification it is charged that "he is one of a ring known as the Freedmen's Bureau ring."

Now, Mr. Chairman, what is a ring? We do not find a definition in the dictionary. I think Edmund Burke said that "A party is an association of men with the object of promoting the public welfare on some principle of government on which they are agreed." That is a party formed for the welfare of the State.

But a ring is very different. And I undertake to give a definition of the ring. It is a secret association of dishonest persons (sometimes pretending to be opposed to each other) for committing depredation on public or private interests for their own advantage. That is very different from a party. It is of less magnitude; it is selfish instead of patriotic, and it is secret instead of public. Its existence may be suspected or may be known but will not be acknowledged by its members. They keep their ways secret. They are dishonest. They want to commit depredations on public or private interests, and too often they do it; and it is for their own advantage. That is what this charge must intend.

So the difference between a party as defined, and a ring as intended by this charge, is as wide as the difference between patriotism and treason—between virtue and vice.

Party is necessary to give effect in government to the popular will. The same thing is necessary for success in any great public service. There must be men associated for its advancement, and they must be of one mind in respect to the animating principle. And they must know, and understand, and confide in each other.

In England the Stuarts and the Star Chamber could not be resisted and overcome by a single man. The patriots of that country were combined for strength, and they established the rights of the people against tyranny.

A hundred years ago, when independence was to be achieved by the United Colonies of America, there must be agreement and coöperation between Washington and Franklin, the Adamses, Jefferson, Hamilton, Sherman, and the rest, whose wisdom and courage won what we enjoy to the full—independence, freedom, and prosperity.

So the vast work, opened before this country at the close of the rebellion, for the protection, relief, and elevation of the enslaved race made free, demanded talents for administration, and a distribution of labor among men of congenial spirit, with a heart for the work.

Such men, with this accused officer at their head, became enlisted in this service, in the spirit of patriotism and of true religion.

It is no wonder that when there was government aid under law for the freedmen there should be schools and savings banks. No wonder

that education and industry and thrift should go hand in hand, raising the people who for two hundred years had labored without wages, and lived without rights which their masters or any others were bound to respect.

General Saxton, before the Freedmen's Bureau was created, began a Freedmen's Savings Bank at Beaufort, S. C., and had gathered from the people there, who were working industriously, some \$200,000. It was my privilege to invest this in government bonds, and under General Saxton's direction to turn it over to this Freedmen's Saving and Trust Company, upon its being chartered by Congress.

The influence and operation on these poor people was very good, and will be lasting. This savings bank has received in all thirteen millions of dollars of these people all over the country, and has now about a million and a half remaining on deposit.

Colonel Eaton, the actuary, has testified here that the average duration of deposits is three months, and he says that the money already drawn has been drawn by depositors mainly for the purpose of paying for land—that they have invested in land, and are getting homesteads for themselves. There is nothing evil in that. They are not political institutions, they are kept and carried on for the benefit of these people themselves.

Something has been said here about certain expenses that were paid by the bureau. When the bank was established in Washington, the Commissioner of the bureau allowed the cashier who testified before you to occupy a cellar room, and afterward, on the corner of Pennsylvania avenue and Nineteenth street, to occupy a room where there was a bureau officer in one part and a bank clerk or cashier in another part. Certainly this was not extravagance or negligence—it was for the benefit of the freedmen. You will recollect that the only thing to be paid out of the gains of this bank are its expenses, and that all beyond expenses was to be divided among the depositors. Therefore, whatever expenses the bank incurred would be so much lost by the depositors, and whatever it saved would be so much gained by them. But the bureau derived an advantage from the services of these bank officers in various ways, in regard to bounties, education, &c. That has all been explained in the testimony. It is one of those things that seem too small to make so great clamor about.

The freedmen's schools are also a part of the wrong charged against General Howard. Certainly no one who was concerned in getting up these charges ever went to the South and entered any of these schools—never went there to see what kind of people were there and what benefits were bestowed and received. They hate the bureau and General Howard, and so they calumniate the schools with them. The freedmen's schools are blessings to the people and the country, while these accusers see nothing in them but political machinery for operation to their injury.

Mr. Chairman, it is a shocking perversion of truth to say that the devoted self-denying men and women who composed the body of laborers for the welfare of the freedmen, from the chief in Washington to the humblest teacher in the plantations, composed a "ring."

Their animating principle was benevolence, and the daily fruits of their labor appeared in the improvement of the freed people.

That man is to be pitied who, looking upon all this can see nothing in it to commend, but only something to revile.

“As heaven's blest beam turns vinegar more sour,”

so benefits and blessings, however abundant and visible to the good, are only bitterness and gall to the malevolent. And this is the due reward of malevolence.

“Truth dwells with all that truth prefer,
But seeks not them that seek not her.”

Upon them, under a law divine and just shall be sent strong delusion that they should believe a lie, losing all the rich enjoyment that God gives to man in the perception and promotion of truth in the world.

General Howard had friends around him from the centre to the circumference of the field he occupied, courageous and faithful; not dishonest or unworthy.

He would not to-day win the verdict of the committee or the approval of Congress by the sacrifice of one of those faithful and excellent persons.

WHAT HAS BEEN DONE BY THE BUREAU.

Now, sir, allow me to call attention to what really has been done by the Freedmen's Bureau. Let me remind you of General Sherman's march—that march from Chattanooga to Atlanta, back through Georgia to Resaca, thence through the mountains into Alabama, down central Alabama to Gaylesville, then again to Atlanta, and then to Savannah.

Here was a great extent of country traversed by our army through a width of two hundred miles. In all that country the population became chaotic. As the army marched it was approached by the poor and wretched, who thought, and had a right to think, that here was freedom for them. They gathered about the army, clung to it with all their poverty and wretchedness, their raggedness and nakedness, their hunger and thirst, their weakness and sickness; and they were not repelled. The army went from Savannah to Beaufort, South Carolina, and from Beaufort to Columbia, thence eastward to Raleigh in North Carolina, and thence to Richmond. At Wilmington, North Carolina, it was necessary to ship eight thousand of these poor people southward to the Sea Islands, in charge of General Saxton, for it was necessary that they should have some resting place, and there they could be sustained. There were in different places in the South one hundred and forty-eight thousand of these poor refugees and freedmen to whom the commissary department had been issuing rations, and these were to be transferred to their future homes, or to homes where employment could be found. If only a hundred thousand of them had been supplied with rations for the five years in which the bureau has been performing its work, at twenty cents for each a day, that would have cost \$36,500,000, and if that hundred thousand people (not the one hundred and forty-eight thousand, you perceive) had been supplied with clothing at \$10 a year each, that would have cost \$5,000,000 more, so that it

would have cost \$41,500,000 to keep these hundred thousand for five years as paupers. This was the operation that was going on at that time.

Then began transportation. These poor people who had followed our army were to be sent to homes; were to be set to work if possible; were to be shown to some way of living. And this became the work of the bureau.

It is a matter of history that General Howard commanded the right wing of General Sherman's army in its march to the sea; that he saw these people on the way, knew their condition and that of the country, and knew their wants. That march completed, and Mr. Lincoln, who had already selected General Howard for the place of Commissioner of the bureau, being taken away, Mr. Stanton took care to place him where Mr. Lincoln had designed him to be, and President Johnson made the appointment. Thus he came to the work with a full knowledge of what was required, and he immediately set himself about it.

Then a plan was formed to organize joint-stock companies to take up plantations and work them by free labor. These joint-stock companies were more profitable to the poor, who get a partial support from them, than they were to the members, for they lost much of what they put in, and the companies were in many cases a failure. Their benevolence was rewarded by partial good to the poor, but they made nothing for themselves. It will be remembered that as the months rolled on the hope of profit from the culture of cotton was dissipated, and the crop became an utter loss. The people had nothing to live upon, and authority was then given by law to issue rations to all classes. Seventy-five thousand people were thus fed in South Carolina, North Carolina, Louisiana, and Mississippi, in five months. Then came a great trouble. The abandoned lands which had been put in charge of this bureau must be taken from the freedmen and others and restored under the order of President Johnson to those who had held them, and many controversies grew up, some specimens of which have appeared in the testimony here. Peace and good order must be maintained, and they were. Eight hundred thousand acres of this land were restored to applicants. You have heard very little complaint here on this subject, and such as came did not, I think, commend itself to your respect.

Then the administration of justice had been abolished. There was no law, there were no courts; the strong might overcome the weak—the poor especially under charge of the bureau were defenseless. So it became a necessity that the bureau should establish justice, and it did so. Its officers exercised authority to effect arbitrations. The officer of the bureau would be an arbitrator with some planter and some other person, and they would hear the case and determine it; and this went on until the habit returned of looking to some authority and submitting to its decisions. And after this practice had been established it was found safe under Mr. Johnson's reconstructed governments to transfer this jurisdiction to those authorities, but always with the concession on their part that the colored man should be a witness. The colored man in the South had never been a witness until these operations of the

bureau secured his right to be heard as such in courts of justice. That was a great advantage, and it was won by this bureau. We have heard no praise of the bureau for this from the other side. In North Carolina there were three thousand four hundred and five such cases in three months, and there were a hundred thousand cases in all in a year, under the administration of the bureau.

It will be remembered that when, early in 1865, the bureau took charge of issuing rations to colored people there were one hundred and forty-eight thousand persons so supplied by the commissary department of the army. It will be interesting to see how these numbers became reduced. In September, 1865, the number was reduced to seventy-nine thousand nine hundred and fifty. There had been a rigid examination of each applicant, and every one was rejected who could help himself. There was a continuous reduction, so that on the 1st of September, 1866, the number had become twenty-nine thousand nine hundred and nineteen, and in the next year, 1867, to eleven thousand six hundred and fifty-eight. And then aid was only given to the helpless and the destitute freedmen and refugees.

There was a special fund of \$500,000 (afterward increased) set apart by the Commissioner, under the sanction of the Secretary, and fifty-eight thousand persons, white and colored, were fed daily in 1865, upon authority of the act of Congress then passed, under the necessities of the case. In the year ending 1st September, 1868, there was an average number of sixteen thousand eight hundred and four persons fed under that law, and in 1869 the average fell to one thousand nine hundred and eighty-three. During the same period clothing was distributed among the destitute to the amount of \$252,547, besides old clothing from quartermasters that was unfit to issue to the troops. Employment was found for multitudes, who were put in a self-supporting condition.

But one of the very early things done in this work was to secure the rights of the freedmen by contracts under which they should do the work and have their pay secured. These contracts were printed and written, and in a single State no less than fifty thousand in one year were drawn and executed in duplicate. The good results that followed the use of these contracts became well known to the country at that time.

By the operation of the medical department, hospitals and asylums for the sick and infirm old people and orphans who had been abandoned by their former owners were provided, and the death rate was reduced in the first six months from thirty per cent. to four per cent. The number of hospitals established by the bureau over the country was fifty-six. The number of patients in 1867 was one hundred and forty-four thousand one hundred and forty-nine; in 1868 one hundred and sixty-five thousand four hundred and forty-nine; in 1869 sixty-five thousand six hundred and thirty.

The bureau has had under its care seven hundred thousand sick and infirm persons, for whom no provision was made by the regular authorities. Insane persons are included in that number. For more than a year efforts were made to transfer these to the local authorities. Now the fifty-six hospitals are reduced to one, and the five orphan asylums are reduced to one, and these are located in this Dis-

trict. I will ask General Howard to read a paragraph which I have marked on page 10 of his last year's report:

General Howard read the paragraph, as follows:

"A vast amount of such testimony to the industry and progress of the freed people could be gathered from the records of this office, and it is confirmed by the fact that the great mass of freedmen are now self-supporting, and that many have commenced planting and other business on their own account. In spite of all disorders that have prevailed and the misfortunes that have fallen upon many parts of the South, a good degree of prosperity and success has already been attained. To the oft-repeated slander that the negroes will not work, and are incapable of taking care of themselves, it is a sufficient answer that their voluntary labor has produced nearly all the food that has supported the whole people, besides a large amount of rice, sugar, and tobacco for export, and two millions of bales of cotton each year, on which was paid into the United States Treasury during the years 1866 and 1867 a tax of more than forty millions of dollars (\$40,000,000). It is not claimed that this result is wholly due to the care and oversight of this bureau, but it is safe to say, as it has been said repeatedly by intelligent southern men, that without the bureau or some similar agency the material interests of the country would have greatly suffered, and the government would have lost a far greater amount than has been expended in its maintenance."

MR. KETCHUM. By the first section of the act of June, 1866, Congress provided that all the public lands in Alabama, Mississippi, and other States should be opened to settlement according to the stipulations of the homestead law of 20th May, 1862. Under that law homesteads upon the government lands in Alabama, Louisiana, Mississippi, Arkansas, and Florida, were obtained and the freed people were encouraged to get them. Four thousand families availed themselves of the opportunity. In South Carolina alone, under the influence of Governor R. K. Scott, late Assistant Commissioner, forty thousand acres were purchased by the freedmen and are held by them now.

Then as to the school work: at the beginning of the war, in 1862, the work began of teaching these people on the Sea Islands, and I had the pleasure of seeing it there at that time. The work went on and when this bureau came into existence it was found that the benevolent associations which had been engaged in it had accomplished much, and therefore it was provided in the act of 16th July, 1866, that the Commissioner should at all times coöperate with private benevolent associations of citizens, in aid of freedmen and with agents and teachers duly accredited and appointed by them, and should hire buildings for purposes of education. These associations did as much for the government as the government did for them and sometimes much more. Take for example the American Missionary Association, whose representative, Rev. George Whipple, was examined before you. In the work of that association there was expended from 1862 to 1869, \$1,650,000. This was in teaching the freed people. The bureau by rental, construction and repairs, and by transportation as authorized by the act of Congress, appropriated \$213,000 of this—not one seventh of the whole amount above mentioned. The \$213,000 was not paid to or received by the American

Missionary Association. The great part of it was disbursed by the bureau itself in the way of construction and repairs. These things were necessary. The Rev. Mr. Whipple testified here of them. One of the unpleasant things that followed his testimony was that it was next day reported in *The Cincinnati Gazette*, whose correspondent here is H. V. Boynton, a witness for the prosecution, that the Rev. George Whipple, the secretary of the association, had testified that it had got \$240,000 out of the bureau through the hands of *myself*, their treasurer, the counsel of General Howard, and that a large portion of the money had been sent over to Charles Howard, the Western secretary at Chicago. Next, the same thing appeared in the *Journal of Commerce* in New York, with this slight addition that "of course for these curious proceedings there was no authority of law." And so the stories have gone forth concerning the American Missionary Association. It shows the spirit which animates the men who make this pursuit. That American Missionary Association expended six times as much as the government in the work it did. It is a noble institution and has produced important results. You heard from it that it had sent forth four hundred colored teachers qualified to instruct their people. You heard from Mr. Whipple that the association is attending more and more to normal school instruction, and that the four hundred teachers it has sent out are but a tenth of the number the people want.

A circular was issued by the Commissioner as soon as he came into office, calling upon the benevolent associations to make known their willingness to coöperate with the bureau, and some thirty of them responded—associations composed of men of various religious denominations of the country. None were excluded.

Perfect liberality has been shown by the American Missionary Association in its work. It is not sectarian. And a large catholicity has been shown by the bureau in its coöperation with benevolent associations, apportioning its aid according to the amounts invested by them.

And here may I not refer to the very singular exhibition made one day, when General Avery of North Carolina, who had been a bureau officer, declared with so much vigor, if not bitterness, that he had protested against the appropriation of money to the Normal School at Raleigh, in North Carolina, because its trustees had been rebels? He was an inspector of schools, and yet he did not take the trouble to go and see that school. He saw the position in which that placed him, and he began to explain that he had been very much engaged on court martial duty, and so had not been to that school, the building for which had been erected during that time. But before he was on court martial duty the school had been kept in another house, and he acknowledged he had never visited that. He was indignant because the bureau gave money for the benefit of that school, the trustees of which, he said, were notorious rebels. I was very glad when the Rev. J. Brinton Smith came here to tell us how that matter was. Those trustees were selected by the Episcopal bishop. They belonged to his church and were men of excellent character. And I was pleased to learn something of Colonel Cox, one of those trustees. It appeared that Colonel Cox, who had been

a confederate officer, had "accepted the situation" and had come in as a Christian gentleman and an American citizen to do his duty faithfully to the country, and that he had been elected by the Republican party county attorney. That was the indorsement which his neighbors had given him. And yet here was a protest which General Avery made against General Howard's administration on that ground. Now who can doubt that General Avery had some personal reason for coming here and saying what he did?

But as those "protests" came in it was seen that they established the more clearly the justice and liberality with which this office had been administered by its incumbent.

Remember that the act of July 16, 1866, sanctioned all the Commissioner had done, and enlarged his powers. The bureau coöperated with private associations. In every State at least one normal school has been established for the freed people; the University in this District was also established.

At this point I desire to express my acknowledgments as a citizen to the Hon. Mr. Hoar of Massachusetts, a member of this committee, for the very interesting and instructive speech made by him in the House of Representatives on the 6th of this month, upon "Universal Education as a National Concern and a National Necessity." I have been much impressed by the history he gives of the desire of Washington for national education. In his first speech to Congress (1789) he recommended to their patronage the promotion of science and literature, concluding a paragraph on that subject with these words:

"Whether this desirable object will be best promoted by affording aid to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberation of the legislature."

But Congress took no action upon this recommendation. Then in 1796, when the Farewell Address was to be made and Washington received from Hamilton the first draft, he returned it with regret that the topic of education was omitted, and praying that a section might be introduced expressive of the sentiments he then repeated.

Hamilton replied, wafering a piece of paper on the original, in which, in the short paragraph as it now appears in the Address, the expression was given.

Again in his last address to Congress he renews his recommendation, and especially the desirableness of a national university, but this was also fruitless.

At last in his will he inserted the paragraph so earnestly desiring this object for his country, and devoting \$10,000 toward the endowment of a national university. He had before that time selected a site for it—the same now occupied by the National Observatory in this city.

It is affecting to read the concluding paragraph on this subject, on the fourth page of the speech, and I beg leave to quote it here:

"Congress, so far as I can learn, has done nothing to accomplish this the great living and dying wish of Washington. Let us remember that he spoke to our generation as to his own. Every year that the accomplishment of his cherished wish is deferred is a new dis-

obedience and a new ingratitude. Perhaps in the mysterious Providence of God the realization of the dream of Washington has been deferred until the enfranchised race, whose enslavement he lamented, could be admitted to their share of the light of knowledge. To our endless shame be it spoken, the legacy bequeathed by Washington to his country for purposes of national education was suffered to revert neglected to his estate, while the command which, to use the language of his will, he did 'most positively and most solemnly enjoin should in every part thereof be religiously fulfilled, without evasion, neglect, or delay'—that his emancipated slaves should be taught to read and write—was disobeyed because a compliance with it was prohibited by law."

Is it not remarkable that a University should now be founded here in that which is before you, receiving all applicants irrespective of race or color or previous condition of servitude, and that this should owe its existence to the just action of the Commissioner toward the freedmen, under the discretion given by Congress?

But this present year—may I not say it?—signalized by the adoption of the Fifteenth Amendment, sees your public servant, under whose administration of affairs the freedmen have been conducted hitherto and this University established, arraigned for alleged offenses that, if committed, would banish him from the society of honorable men.

Would Washington, in view of what is before you, have sanctioned the spirit or the conduct of the assailants?

It is true indeed that the university proposed by Washington was to afford the wealthy home education for their children instead of foreign, which was then, he said, too common, little qualifying them for usefulness in a republican country like ours, while the University looking from its northern eminence upon this Capitol instructs chiefly the poor who must earn something by daily labor to meet their small expenses. But this is to the advantage of the latter. It is good for a man to bear the yoke in his youth.

In the recently published diary and correspondence of Henry Crabbe Robinson, the English barrister, he tells of a member of the House of Lords, of great wealth, who, approaching the lord chancellor, asked him how he should make his son a great lawyer. "Make him a poor boy," said the lord chancellor. And the mind at once recurs to Lord Eldon, the great judge of equity, and Sir William Scott, master of the civil law, the sons of a coal-heaver of London.

I will ask General Howard to read the paragraph at the bottom of page 11 of his report.

General Howard read as follows:

"My former reports on this subject and those of the general superintendent of education have been so full that a very brief review only is here needed. I found many schools already in existence in those localities that had been for some time within the lines of our armies; these had been established and maintained to a great extent by benevolent associations of the North. As early as September 17, 1861, the American Missionary Association commenced a school for 'contrabands' at Hampton, near Fortress Monroe. On the

8th of January, 1862, Rev. Solomon Peck, D.D., of Boston, established a school at Beaufort, South Carolina. Another was opened at Hilton Head the same month by Barnard K. Lee, Jr. A more general movement was inaugurated by the efforts of E. L. Pierce, Esq., of Boston, and Rev. M. French, and on the 3d of March, 1862, about sixty teachers and missionaries were sent out by societies organized in Boston and New York. Others followed, some working independently, others supported by local churches, and others by new relief associations formed in Philadelphia, Cincinnati, Chicago, and other towns. In the early part of 1864 an efficient school system was instituted in Louisiana by Major General Banks, then in command of that State. I did not attempt to supersede these benevolent agencies already engaged in the work of education, but gave them every possible facility for continuing and enlarging their operations."

MR. KETCHUM. In the first year there were ninety-six thousand seven hundred and seventy-eight pupils reported and there were nine hundred and seventy-five schools. The schools are now two thousand one hundred and eighteen and the pupils two hundred and fifty thousand, and there are a million and a half to be instructed.

MR. HOAR. Do you mean a million and a half of the school age?

MR. KETCHUM. Yes, sir.

MR. HOAR. In that you count something besides colored children?

MR. KETCHUM. Only colored children. This I gather from the reports and authorities of the bureau put in evidence. I will now ask General Howard to read from page 12 in reference to teachers.

General Howard read as follows:

"Too much praise can not be bestowed upon the noble band of Christian teachers who have carried on successfully this work of education. Many of them have come from the very best circles of refined and cultivated society and have been exposed to privations, hardships, and perils which would have discouraged any who were not moved by the spirit of the Divine Teacher. To them belongs the credit in great measure for all that has been accomplished. They have done the hard work; they have been the rank and file in the long fight with prejudice and ignorance. When they first entered the field as teachers, so general and bitter was the opposition to the education of the blacks that scarcely one white family dared to welcome them with hospitality. When they were insulted and assailed very few had the courage to defend them; but their good conduct finally overcame prejudice and better sentiments have gradually grown up in many parts of the South. Hostility to teachers and schools has in a great measure ceased."

MR. KETCHUM. The colored people have themselves given in the last year for school-houses and teachers no less than \$200,000.

Now a few words as to bounties. The soldiers were everywhere defrauded by agents. Since April 17, 1867, the total amount of the bounties paid to soldiers through the agency of the bureau has been \$5,831,417.89, and the balance in the Treasury on these bounties not yet called for is \$1,220 656.52. A part of the system is a full, complete, and minute record of each case, so that its history can be easily traced.

BRITISH AND AMERICAN EMANCIPATION.

The British government in 1833 abolished slavery in the colonies, giving \$100,000,000 to the masters, with an apprenticeship of the freedmen for seven years; but Bermuda and Antigua waived the apprenticeship and had very favorable results, while elsewhere, with apprenticeship, there were disappointment and disaster, so much that the complete liberation was afterward anticipated by two years.

This government gave instant freedom to four million of slaves, and devoted some \$13,000,000 through this bureau to the benefit of the freed people; and education was provided for, and industry enjoined upon them.

Pauperism was soon reduced and independence grew up on every side. In five years the work has been done so well, with the means employed, that the experiment of emancipation has become a great success, and the nation has a right to regard its colored population, once slaves, as a most hopeful element of strength, rapidly growing in knowledge, prosperity, and usefulness.

We boast not of our slavery, but of its overthrow and of the policy and fruits that followed it. In the past we refined upon the cruelties of ancient Rome in the ingenuity of our system for the supremacy of the master over the slave; but, led through the wilderness of our rebellion by the Hand that governs the universe and turns the hearts of men as the rivers of water are turned, we have been brought into a land of peace wherein dwelleth righteousness.

It is guilty Manasseh who humbling himself in his affliction is brought again to his kingdom. It is Saul of Tarsus which persecuted in times past now preaching the faith which once he destroyed.

So appears our nation in the contrast between ten years ago and the present time.

A VIEW OF LOSS AND GAIN.

Allow me now to show you what is the loss and what is the gain by the action of General Howard in some of those things in respect to which he is most bitterly assailed by his accusers.

In the first place, I may say here that as to the sand, of which we have heard so much, and as to which it was said there was a loss of \$4,030, there is a great mistake. The testimony which came in afterward by Major Clark showed that there were six thousand surplus bushels at squares 1054 and 1055 at the time Mr. Perkins was discharged, and then three thousand of those bushels were used, leaving only three thousand surplus. So the loss by the mistake in bushels—which was a mistake as to the number of bushels in a load—amounted only to \$1,935. What was saved by the use of the building-block for the University, instead of pressed brick, was \$25,000. What was saved by the lumber bought in the State of Maine, about which there can be no dispute whatever upon the testimony, was \$7,086.98. And when it was complained that there had been a loss by sea from the want of insurance, it turned out that the government never permitted insurance. There was saved by the Smith farm to the University as follows: Paid for the farm \$149,500; received for sales of lots \$172,234; excess over amount of purchase money \$24,734. And there remain fifty-two acres of that land which are reserved to the Univeristy, and they are

worth at least \$3,000 each. That would be \$156,000, making a total gain from the Smith farm of \$180,734. Obtained by donations for the Howard University, from private sources, by General Howard's own personal efforts, \$58,000. Total gains \$270,820.98. Loss by the fall of the hospital, \$22,000, and expense of extra work on University building, \$5,000, and loss by the sand at squares 1054 and 1055, \$1,935, making a total of \$28,935. This deducted from the above leaves a net gain of \$241,885.98.

WHO ARE THE ASSAILANTS ?

Mr. Chairman, I alluded this morning to the fact that no person appearing before this committee had acknowledge himself the originator or procurer of these charges. But we are not blind. And I think I ought to make some examination of the evidence before you with a view to his discovery.

I say that if any of those who have appeared before the committee are at the origin of those charges as prompter and solicitor, we have a right to expose them, for the assault is upon a man high in office greatly trusted by the government and the country, a soldier who has fought bravely in its defense, and a man whose Christian character is dear to his associates and to multitudes of good men throughout the land. At an early period of this trial I presented to a witness called by the prosecution—a gentleman of some eminence, the Rev. Dr. Boynton of this city—a pamphlet, and I showed him pages 2 and 5. He admitted he wrote them. On page 2 it was complained that General Howard in a public assembly, where people were gathered to contribute as Christians toward the foundation of a church in this city, had made an appeal for aid, presenting himself as one for whose sake the money should be given. That is the spirit of the charge. That extract is copied in the testimony. It was explained in evidence that in Mr. Beecher's church in Brooklyn in 1866, at the meeting of the Congregational Union, the reverend gentleman who was the witness had preached a sermon, and that one of his people, General Howard, had been called up and had made an address. In fact there was much enthusiasm. Many persons sent up money for the object; some was specially marked as a gift to General Howard, and Mr. Beecher handed it over in the pulpit saying, "This is for you." But it was at once made a gift to the church. "It is all your gift to the church," said Mr. Beecher in that undertone of his which is allowed to be heard by the whole congregation. General Howard, so cordially received, did say to those people: "Well, if you are disposed to give me anything, give me a house for the Lord in the national capital, where I want to see it established." He was engaged in that movement and greatly aided it. But on page 5 it is complained that General Howard in the Sunday school had offered rewards to the scholars for bringing in other children, without respect to color, whereby colored children had been brought into the school without consulting the pastor. Why was this treasured up by that witness against General Howard and made prominent in that pamphlet which he admitted was written by him? It was a bitter attack upon General Howard and was widely distributed over the country. I feel humili-

ated as I refer to it. But the surgeon must look upon what is repulsive and so must the advocate. And here is one of those repulsive things. Especially I desire to deal considerably with one who is a teacher of religion, and I leave him here with the wondering words of the Roman poet :

“Can such anger dwell in heavenly minds?”

Now another witness appears in this case, Henry V. Boynton. He testified that in a church of which it appears from his testimony his father was the minister, something occurred which led him to say to General Howard one evening at the close of a meeting, when persons of both sexes were present, that if he (General Howard) had two arms he would attack him, and that if any of his friends would say what he had said he would settle the matter at once. With pain I refer to this, and from necessity. “Affliction cometh not from the dust, neither doth trouble spring out of the ground.” What is on these papers and what has been before Congress and this committee and before the country came not without a cause. It has cost much labor. It must have cost much money. And there has been a bitterness in it which can not be accounted for except there be something besides a desire for the public welfare. Some heart must have been set upon revenge.

Allow me to refer to some things notorious: attacks in the newspapers every day, and all over the country. Four of them are corresponded with by this witness, one by letter every day, and the rest by brief dispatch; and two hundred more by exchanges. That is a great power, and he knew that it was a great power. We have heard of it on this trial, and I call attention to it here because I think it has much significance.

In the summer of 1868 two persons witnesses here called at General Howard's house—Dr. Hiram Barber and Mr. Delano. They sat with him holding earnest conversation. There were difficulties in the church, and they were of the church, and they set before General Howard the power of the press, the fact of his being a public man, the value of the friendship and favor of those who wielded the power of the press, and the terrors for those who defied that power. They set before him the value of winning regard and not provoking enmity. They set before him the probability that he would desire public favor, and they recommended him to provide for it, and come over to their side and to the side of that minister (the Rev. Dr. Boynton) whose pamphlet I have referred to—which pamphlet had not yet been published. The committee excluded the pamphlet from the evidence, all but those two passages, and I do not regret it. There is enough of it in to show the animus. There was a father and there was a son. Whether, as in the case of the old Carthaginian, the oath of eternal enmity was put to the son, or whether the son volunteered an oath of eternal enmity, I know not. But that the son was determined, whether for causes connected with a father's changed position (for it appeared that he quitted the church) or not, to have revenge upon those who had been concerned in the dismissal of his father, there can be little doubt. These are some of the facts, and here

are some of the results. General H. V. Boynton, was summoned here as a witness the first week, and from day to day he was in the corridor. And sometimes when the committee was not in session he was inside. He was in full concert with the counsel and the honorable gentleman who introduced the resolution on which this inquiry was based. He was waiting at the door to catch the witnesses as they entered or retired and to gather what he could from them, and to send it off, not honestly, but garbled and falsified.

The CHAIRMAN. Do you think it necessary to go into this matter of conspiracy?

Mr. KETCHUM. I have not a particle of animosity against this man, and yet so great has been the wrong perpetrated by him, so constant his assault upon my friend, this accused public officer, so widespread the effects of them, that if I should let this only opportunity pass of presenting his conduct before the committee, and so before the House and the country, I should feel that I greatly failed in my duty. But the moment the chair interposes I will suspend.

Mr. TYNER. I think, Mr. Chairman, that if Mr. Ketchum thinks it necessary in the line of his duty to examine here into the conduct and the spirit of these witnesses with a view to show the origin of these charges he has a legal right to do so.

Mr. HOAR. One of the witnesses has testified to important matter obtained by him in conversation with General Howard, and I think it clear the counsel has a right to proceed—of course not intimating how the argument may affect the committee.

The CHAIRMAN. Confine it as closely as possible to what came before the committee.

Mr. KETCHUM. I will do so. You recollect Dr. Barber and his testimony. He was not friendly. Dr. Barber on the first day told us, what would certainly impress the mind of a hearer, that the Howard University had given to General Howard an acre of ground. I asked General Boynton whether he had obtained on the first day a report of the testimony of Dr. Barber given that day, and he was uncertain. I did not get a direct answer. But I think he soon perceived my object, and then he said that on the first day of his testimony Dr. Barber had refused to tell him what it was. I understood very well why he said that. The papers over the country had published it as a fact that General Howard had taken as a gift an acre of ground purchased just before with public money for the Howard University, and thus had put \$1,000 into his pocket out of those public funds. But the next day it appeared in evidence, after all the difficulties of Dr. Barber about identifying the book of records of Howard University containing the minutes he had drafted—it appeared from the original minutes in his own handwriting that it was not so, but that General Howard had declined the gift, and the witness was brought to the recollection of that.

The second day of Dr. Barber's testifying I took care to ask him whether he had informed any one what his testimony was on the first day. He said, "Yes," he had told his wife. "Anybody else?" "Yes, I told Mr. Stevens." "Anybody else?" "Yes, General Boynton." So we had it on the 21st of April that Dr. Barber on the day before, the 20th of April, had told General Boynton what he had testified. But

weeks after, when General Boynton testified, he became quite clear in his recollection (after some obscurity) that Dr. Barber did not tell him on the first day what he had testified, and he came to remember it (as such witnesses commonly do upon pressure) by a fact that came to his mind, and that was that Dr. Barber explicitly declared he would not tell his testimony of that day! But we know the contrary of this. So hard is it in this world to circumvent *truth*.

But then to help General Boynton's recollection I got the *Cincinnati Gazette* of the 21st of April, and found that on the 20th of April, when General Boynton said Dr. Barber had not told him what his testimony was, he (Boynton) had telegraphed to the *Cincinnati Gazette* that Dr. Barber had testified the University had given an acre of ground to General Howard, and then General Boynton, seeing this, acknowledged it.

I asked him if he had acted as clerk to Mr. Wood in this investigation, and he said he had not. I asked him if he had not served as clerk for Mr. Wood in getting papers from the Treasury files, but he denied it. At length, upon close inquiry, he said that he had gone to the Treasury Department when Mr. Wood could not go, and had taken an order or request from Mr. Wood to get a paper he was to testify to, and had copied it and brought it away to Mr. Wood.

Now a fair-minded witness who corresponds with newspapers would not be testifying so. He would understand the meaning of language better. This witness denied the name but he proved the character.

He denied that he had furnished any briefs or drafts of interrogatories to be used on this trial. Yet he admitted, after much pressure, that he had written papers and given them to Mr. Wood, who had brought them here for use. That is not a fair witness. That is not a witness on whose testimony a man like General Howard should be impeached. He denied that he was the originator of these charges or the prompter of them. But he spends his time in writing for the papers against him; and he told Mr. Wood he had written to the *Cincinnati Gazette* all the facts about General Howard, and that if Mr. Wood's charges were in accordance with those letters he felt bound, as a public man who had made them public property, to supply the proofs to sustain them.

Now was he honest in denying that he was the prompter? If he was not, this trial leaves utter darkness upon this subject. But light streams through the openings—openings that all the art and all the conscience, such as it is, of this witness can not close. Here is a man who tries to hide himself. He says:

“Nay, never shake those gory locks at me;
Thou canst not say I did it.”

Poor refuge of the guilty—always sought, but always vainly.

Did you notice, Mr. Chairman, how, when I tried to find whether he had not said that he would get an investigating committee out of this Congress, and if not out of this Congress then out of the next—did you notice how he said at last, after much deliberation, “Well, if you put it in that shape, I say no.” Was that the way an honest witness would have spoken? Wasn't it the way of a man who was trying to pacify his conscience, such as it was, by catching at some form

of words, or lack of words somewhere, by which he could make an answer to conceal the truth?

Mr. Chairman, an honorable man would have shrunk from doing another thing this witness did. General Howard was willing to converse with him. He had been under the pastorate of his father, and there could be conversation without animosity. But observe that after the subject was disposed of which General Howard introduced, that is, the incorrectness of some newspaper report which had been ascribed to General Boynton, he said, "Now, General Howard, as we are talking in a friendly way, let me ask you a question on another subject." And here, in so friendly a way, he inquires about some other things. They were things he had before reported, and which he has since brought into these charges.

But why did Boynton open this? It was that he might say there was a conversation on the subject between them. Then he could trust to his own heart and pen to shape the language for the injury of the man he was pursuing. Would any *gentleman* do that? Would any one fit to be a public teacher and guide, having a sense of honor and a mind to do good, do that? It was a private conversation, where no thought of publication was entertained by General Howard. Suppose General Boynton had said, "General Howard, sit down; I wish to draw out from you now something to make use of to your injury. I wield that power of the press Dr. Barber set before you a while ago, and as you did not fall in with the plan for creating you as a public man, I intend to destroy you soon, and you will, if you please, just supply me with some weapons; and I can get all I need if you only give me a chance to say we talked together on this subject." Would General Howard have been "pleased" to afford General Boynton that opportunity? Not readily. But if that was General Boynton's purpose he ought to have said so. On the other hand, if it was not his purpose at that time he should never have brought that private conversation here. But in his enmity he has come before this committee, and taking his part in this pursuit he has come to supply out of the treasury of his heart and tongue any lack of testimony. That labels the man. Yet he came here on the second day to testify, and volunteered at the beginning to correct something he said the day before "in justice to General Howard." We extend the hand, not to accept but to reject his proffered justice. We have heard of Joab's salutation of Abner, and of what attended it.

But what occurred here in your presence, Mr. Chairman? General Boynton was asked by one of your committee whether he had obtained from any of the parties or counsel here, bound to secrecy, any of the matters of the trial, about which he had been sending reports to the newspapers. He said yes. From whom? From General Howard and Mr. Ketchum, and from Mr. Bradley and Mr. Wood. I had exchanged no word with him, and so noted on paper to the member. So he was asked when Mr. Ketchum had told him anything, and he answered: Not Mr. Ketchum himself, but those to whom he talked, had told him. When pressed to name them he broke down and said he could not.

Then as to Mr. Wood and Mr. Bradley. "Had he been present in Mr. Bradley's office when he and his associate counsel were talking

with other witnesses?" He said no, but when they were talking with each other. "But didn't Mr. Bradley request him to leave the room?" Yes, he did, but it was impossible for him not to hear portions of what was said. "But did he consider it honorable to publish what he got in that way?" Note his answer. "I did not say I published it. What I heard I used to explain in my own mind information obtained from witnesses."

But an honorable man would have instinctively answered, "I never did publish it!" Because such a man never could have done so.

Then another question, "But you heard it when you ought not to hear it, and then did make use of such information?" He answers, "I do not know that I made use of such information, except as I said, to explain," &c.

He does not know that he made use of that information! He does not venture to say he *did not* use it; and with such a man before me I see as clearly that he used it as I see the character of the man.

We repudiate his testimony. It is disingenuous. General Howard would readily repeat here what he said in that conversation; but he would differ materially from the witness in his narration of it.

This same General Boynton visited the University grounds and told the committee of what he had seen. He had spent two hours in looking at the cracks in the University walls, and in counting the places where new material was put in. There were twelve different cracks and there were three hundred places mended by putting in new material. He went over the ground and looked at the ruins of the hospital and he had spent four hours at the navy yard in witnessing the experiments of Major King with the Hardee committee, which he described with great fluency, giving exactly the relative strength of all the different materials down to chalk, and declaring that chalk was stronger than American building-block. He said he had a "fixed opinion," and it was that the building-block was worthless. He had utterly condemned the University building in his newspaper reports, and so in all his testimony here he did, and he said that nothing would satisfy him to the contrary, his opinion was so fixed. But in the four walls of the University building there are more than twenty-five thousand superficial feet, without including projections and returns, and the three hundred blocks, if renewed, would make but one hundred superficial feet, the two hundred and fiftieth part of the whole; and yet because he saw these cracks and these mendings he condemned the whole building.

Yet Mr. George Cook, a true expert, a man of open, honest countenance, the contractor for the extra work on the University, said this penknife blade of mine could not be inserted into one of those cracks.

A large portion of this mending was on the north side, where there had been exposure to frost, and scaling in consequence. It was local and not general. Yet here is a witness, a public instructor and guide, determined to blast this building and sacrifice the \$150,000 it cost without once going inside to see if it might not after all be safe; not willing even to inquire of Mr. Rumsey, the builder, his father's friend, whether it could not be safely used.

General Boynton (educated as he said he was) did not know ex-

actly what the water table was. He did not know, either, what to call the raised margins of a panel. I do not blame any one for not knowing what they are called, but when a man claims to be a *civil engineer* and an *expert* on building materials and can not tell such things, I do blame him because he shows himself ignorant where he claimed to have knowledge, and that to injure one toward whom he was hostile. He did not know that between the second and third stories heavy panels took the place of the common building-blocks, although his two hours' examination of the cracks made him sure they ran from top to bottom through the wall in the line of the windows. He did not know whether that wall would carry on it another wall like itself and as high without crushing, though he seemed disposed to say it would not. Yet Major King, a really scientific man, knows and says that it would carry the weight of three other walls just like itself without crushing. That is the testimony of Major King, after conducting these experiments at the navy yard.

General Boynton said on appearing the second day, as already alluded to, that he wished "in justice to General Howard" to correct a part of his testimony the day before, about the General's having said in conversation with him that he could lend money to the church out of the Retained Bounty fund. He thought now he might have been mistaken, and that he said it was out of some other bureau fund.

Perhaps he had discovered (although two or three of his friends had been swearing to the same thing) that it was impossible, because the Retained Bounty fund was never used for educational purposes, and as other moneys were, he saw a good time to correct himself and escape into a broader field where he could be more plausible. Besides, he began to feel (if he had not felt before) that a shade of doubt might pass over the minds of the Committee as to his entire impartiality and disinterestedness as a witness. Here, therefore, he could put his amendment to two good uses by opening the morning's work with something "in justice to General Howard."

It would have been an honest act on his part if he had come in here on the second day and made some atonement for the persistent untruth with which he had plied the newspapers through so many days, which any one could see, who understood anything of the case, was designed to produce impressions on the public mind never to be effaced. *That* would have been justice to General Howard.

There is another thing to which I must call attention. Judge Coons was cited here from Tennessee to prove bounty frauds. He came before the Committee, and at the public expense—an expense amounting to some hundreds of dollars—and with the expectation on the part of the prosecution that his testimony would injure General Howard. But they had found in the bureau his report on the intended bounty frauds, and when Judge Coons entered the room they were disposed to dismiss him without examination. The report of Judge Coons will show that he charges one General Burbridge with coming to him and proposing to make \$400,000 out of the colored soldiers of Tennessee and Kentucky, upon a plan which he said had the approval of the bureau. He proposed making some arrangement by which for a small sum the rights of the soldier should be bought, and

assignments of them taken, and that thirty per cent. should go to him (Judge Coons) for helping along the plan as an officer of the bureau. It was a good chance, he said, to make money. Judge Coons listened to him all through. He allowed General Burbridge to tell his story, and then, like an honest man, he said no. It was just the same with General Runkle. General Burbridge and his associates had raised \$10,000 for a fund to carry on the enterprise and their purposes were foiled.

Now, Mr. Chairman, the men who got up the charges knew all this. They had called in Judge Coons' report and had examined it. My much-respected opponent, Mr. Bradley, who had been serving here had looked into that report and he understood its purport and effect.

Mr. Burbridge, the witness, came here and I made no objection to his testimony, but the committee ruled out the interrogatory of the prosecution.

The Hon. Mr. Wood then offered to prove by this witness that General Runkle and Judge Coons were engaged in a conspiracy for committing bounty frauds, and that General Howard knew it.

He was required to prove, first, that knowledge of General Howard, but declined to do so, and put his offer on the record to stand there.

The originators of these charges are responsible for the wrong thus done to General Howard. They study the case outside. They plan, and plot, and prescribe. They sent away without examination the honest witness who detected and defeated the conspiracy for committing the bounty frauds, and brought in one of the conspirators with an offer to prove by him what they knew very well they could not prove.

You recollect how this witness was received by the prosecution that called him. He was asked his occupation; he said, after a pause, "Well, call me a speculator;" and after another pause he added—"and a distiller." Then the Hon. Mr. Wood said, "We don't think in New York that such people have a very high character." It was a rebuff not usually given by an advocate to his own witness.

After that announcement of the estimation in which their witness was held, and after dismissing Judge Coons as they did it was a wrong to "offer to prove by this witness that there was a conspiracy with Judge Coons and General Runkle, bureau officers in Tennessee and Kentucky, with the knowledge of General Howard, to commit bounty frauds," and those men are responsible for it who planned and have carried on this prosecution. Some may be deceived by the show of that offer upon the record in the absence of testimony that would have shown it utterly without foundation.

Mr. Hoar here read from the minutes what took place on that subject, as follows:

Extract from proceedings of committee, June 8, 1870:

MR. BURBRIDGE. I never had any conversation or communication with General Howard, except that which has been introduced here to-day.

MR. WOOD. I offer to prove by this witness that the agents of the

bureau, General Runkle and Mr. Coons, were *particeps criminis* in purchasing these claims at a ruinous rate of discount as agents of the bureau, one of them having \$10,000 in money for that purpose; and that General Howard was made acquainted with the facts, but not by this witness.

MR. HOAR. I move that Mr. Wood be at liberty to proceed to prove that knowledge of the facts which he states was brought home to General Howard, and that when he has proved that General Howard had knowledge of them he may then prove the circumstances to which he refers.

MR. McNEELY. I move as an amendment that Mr. Wood be at liberty to prove the fact which he has stated, and that he then be at liberty to prove that it came to the knowledge of General Howard.

MR. McNEELY's amendment was rejected; yeas 2, nays 4.

MR. HOAR's motion was agreed to; yeas 4, nays 2.

MR. WOOD. I can only prove the fact by this witness that this thing did occur, and if I am not permitted to prove that fact I have no further questions to ask him.

MR. TYNER. I move that the chairman of the committee be directed to subpoena this witness again as soon as the fact of General Howard's knowledge has been proven by Mr. Wood. Agreed to.

MR. KETCHUM. I thank Mr. Hoar for this reference, it makes very plain what it was my object to show.

At this time I am constrained to say something of that power of the press which Dr. Barber was sent to expatiate upon at the house of General Howard.

That power exercised for the public welfare is a good gift of Providence, but employed for the indulgence of personal malice and revenge it becomes a curse.

Dr. Barber and his prompters were mistaken. A common man with some smartness may happen to reach a place from which he can correspond regularly with several newspapers and gain access through affiliation to several hundred more, and he may for a while fill the air with "flying rumors and wandering fables and reports," may daily reach with pointed paragraphs a great many minds and poison public opinion, and defame personal character, and hinder important enterprises, but the end is near and the punishment condign. Truth rises steadily through all the débris of malice and falsehood that were to smother and destroy it, and lifting its head into the open air looks down upon the falsehood and it perishes.

The scene shifters amuse with their flashes of powder for lightning and rolling cannon-balls for thunder, but when they imagine themselves gods and begin to throw squibs and pieces of iron among the audience they are promptly expelled and punished. Then all men see what pigmies besmeared with the grease and lampblack of their vocation the thunderers were.

It will not be tolerated that men who command little respect in society, who delight in mischief and indulge the basest passions under the pretext of maintaining the public welfare, shall go on successfully in their wickedness.

I honor General Howard for treating the solicitations of Dr. Barber

